

**Involving Foster Youth and Foster Parents
in Child Protection Proceedings:
A Process Evaluation of Idaho Juvenile Rule 40**

**Prepared for the
Idaho Supreme Court Child Protection Committee**

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Background and Introduction

In December of 2007, Idaho Juvenile Rule 40 (I.J.R. 40) was amended to include a requirement that all foster parents, pre-adoptive parents, and relative caregivers, as well as all foster youth age eight and over, be given notice of and a right to be heard at all post-adjudicatory hearings in child protection cases. With regard to youth, the rule provides that the right to be heard can be in writing or in person. The rule was passed in response to growing research that indicates foster youth benefit from increased involvement in their child protection cases and national trends towards engaging youth and foster parents more directly during child welfare proceedings. I.J.R. 40 aims to 1) provide foster parents and foster youth a voice in the child protection process and 2) increase the level at which foster parents and foster youth are informed about their case. I.J.R. 40 does not specify how the required practice is to be implemented, the intent being to allow individual counties determine how to best incorporate the new requirement into current practice.

The rule has now been in place for over one year, providing sufficient time for most counties to have developed some sort of standard implementation process. Counties have begun to identify particularly effective processes as well as important challenges and legal or procedural questions related to implementation of I.J.R. 40. The experience of individual counties provides a valuable source of information both for local stakeholders and for other Idaho counties as they work to resolve issues and refine their processes. It can also serve to inform the work of the Idaho Supreme Court Child Protection Committee as they evaluate the implementation process and assess the need for statewide trainings or amendments to the rule.

To that end, staff at the Administrative Office of the Courts (AOC) recently conducted a process evaluation of I.J.R. 40 in five Idaho counties: Kootenai, Canyon, Ada, Jerome, and Twin Falls. These counties are currently participating in a pilot project, of which the I.J.R. 40 evaluation is a part. These counties were chosen because of their high volume of child protection cases, with the exception of Jerome, which was included in order to ensure that rural Idaho counties were represented.

Three types of data were collected as part of this evaluation. First, surveys were distributed to all foster parents and all foster youth age eight and over in each of the five counties. The response rates from these surveys are included in the tables below. Second, focus groups were conducted with foster parents and foster youth in each of the counties. There were two youth focus groups in each county (with the exception of Jerome, where there are very few youth in care): one for youth ages 8 to 12 and one for youth ages 13 to 17. The number of focus group participants ranged from two to nine. Finally, focus groups and interviews were conducted with judges, Dept. of Health and Welfare staff, and CASA staff and volunteers in each of the counties. In Ada County, an attorney routinely appointed to represent youth was also interviewed.

This report begins with a summary of key statewide findings and general statewide trends. Detailed findings for each of the five counties are then presented and discussed separately. Together, the data provide a fairly complete picture of the implementation process from both a statewide and local perspective and illuminate the experience of foster parents and foster youth to date.

Survey Response Rates

	Foster Youth		
	Mailed Out	Returned	Response Rate
Ada	204	72	35%
Canyon	57	25	44%
Jerome	14	6	43%
Kootenai	82	29	35%
Twin Falls	62	31	50%
Total	419	163	39%

	Foster Parents		
	Mailed Out	Returned	Response Rate
Ada	280	99	35%
Canyon	212	83	39%
Jerome	21	13	62%
Kootenai	194	91	47%
Twin Falls	71	31	44%
Total	778	317	41%

Statewide Trends

Summary of Key Statewide Findings

With the passage of I.J.R. 40, local jurisdictions were faced with an enormously challenging task. Those involved with implementation of the rule in the five counties we visited have done an outstanding job of working out the details and crafting solutions to unanticipated problems that have arisen. This is due in large part to their willingness to collaborate and problem-solve as a team. Nevertheless, some questions remain unanswered and challenges lay ahead for local stakeholder groups as they refine their processes for implementing I.J.R. 40.

On a statewide level, two overarching themes emerge from this process evaluation. First, it is evident that while key players at the local level are, for the most part, taking all of the steps required to implement I.J.R. 40 (providing notice of hearings, preparing youth for hearings, transporting youth to court, allowing youth and foster parents an opportunity to speak during hearings), neither foster parents or foster youth are benefiting from their experience at the level that members of the Child Protection Committee had hoped they would. According to their own reports, foster parents and foster youth generally do not feel like they are being heard, they do not feel like they are taken seriously, and they do not feel like they are engaged in the process.

Many factors have contributed to the negative experiences of foster parents and youth, several of which will be discussed in this report. To be sure, it may not be within the control of the courts or any other key players involved in implementing I.J.R. 40 to address all of these factors. Nonetheless, both local child protection stakeholder groups and the Child Protection Committee or other statewide work groups may need to engage in further discussion and problem-solving around this issue in order to ascertain what steps might be taken either locally or on a statewide level to improve the quality of foster parent and youth participation at hearings.

The second theme to emerge is that youth vary tremendously in terms of their level of comfort attending hearings and their level of sensitivity to discussions held during hearings as well as the degree to which they desire an opportunity to be heard by the court. Interestingly, this variation does not appear to be a function of age. This reality makes it difficult to establish specific protocol for inviting youth, preparing youth, and engaging youth during hearings. This is not necessarily to say that such protocol should not exist, but only that those developing such protocol should bear in mind that the court experience is different for every youth and any standardized procedures should attempt to account for this.

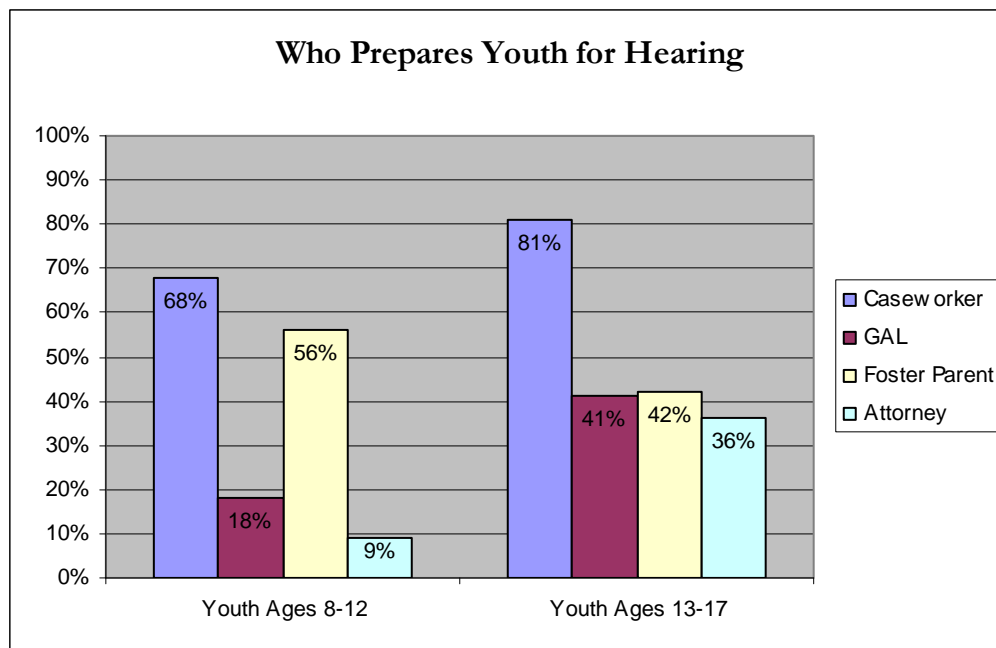
Hearing Notification and Preparation

Most foster parents and foster youth consistently receive some sort of hearing notification. Of those we surveyed in Kootenai, Canyon, Ada, Jerome, and Twin Falls County, 82% of foster youth and 95% of foster parents report that they have recently received either written notification or verbal notification of hearings.¹ Both groups are more likely to receive verbal notification and

¹ We surveyed all youth age eight and over currently in foster care. We were unable to identify those youth whose cases were new and for whom a post-adjudicatory hearing had not yet been scheduled. Therefore, it is possible that some of the youth reporting that they did not receive notice may have not yet been entitled to notice. We included in our statistical analysis only those foster parents who have had a child placed in their home for six months or longer.

typically receive it from caseworkers or GALs.² This is especially true for foster youth. Counties vary with regard to how consistent they are in sending out written notification of hearings, though there are efforts under way to improve and streamline this process.

Most youth report that someone prepares them before hearings and often, and as illustrated by the chart below, they are prepared by multiple adults. Youth are most likely to be prepared by their caseworker, which is not at all surprising given that not all youth are appointed a GAL and most do not have an attorney. Some youth indicated that biological parents had prepared them for their hearings, which could be cause for concern insofar as youth are susceptible to manipulation and prone to feelings of guilt.



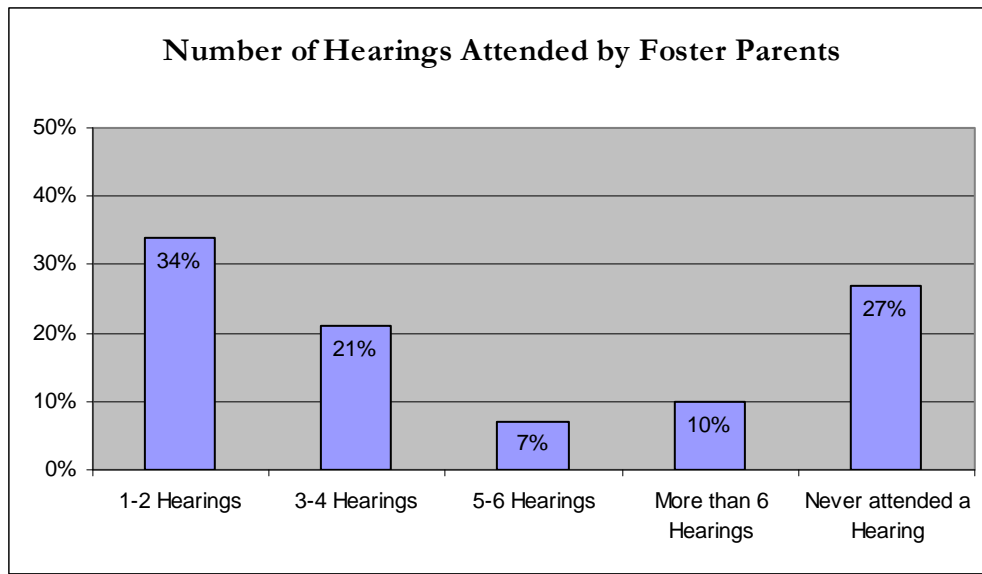
As will be discussed more below, given that several different adults have a role in preparing youth for hearings, it is critical that all have some common understanding of how to best prepare youth for court to avoid sending mixed or confusing messages.

A small percentage of youth (9%) indicated that no one prepared them for their last hearing. Many youth had suggestions for how to help them feel better prepared for hearings. These responses will be described in greater detail in the individual county reports, however, some of the most common suggestions were: provide more advance notice or allow youth more time to get over their fears, explain in more detail what will happen at court, and inform youth what kinds of questions the judge might ask.

² Counties vary with regard to how the term "GAL" is used. GALs are sometimes referred to as CASA workers or CASA volunteers. To be consistent, we will use the term "GAL" throughout this report.

Hearing Attendance

Most foster youth and foster parents attend at least some child protection hearings. About half of youth ages 8-12 reported that they have attended at least one hearing, and 88% of youth ages 13-17 reported that they attended the last hearing that was held in their case.³ Foster parents were asked to indicate how many hearings they have attended in the past year; their responses are summarized in the table below.



Courts in all five counties accept letters or written statements from foster youth in cases where the youth is unable to or chooses not to attend a hearing. Some courts also accept written letters from foster parents as well. Twenty-six percent of youth ages 8-12 and 21% of youth ages 13-17 report that they have written a letter to their judge at some point during their case. Twenty-one percent of foster parents indicated that they have submitted a written statement to the judge. When foster youth or parents write letters to the court, they are typically copied and provided to all parties, read aloud into the record, or both.

As a way of gauging how much foster youth benefit from attending child protection hearings, we asked them to indicate whether or not they would like to attend hearings in the future. Fifty-six percent of youth ages 8-12 and 70% of youth ages 13-17 expressed a desire to attend future hearings. Though we did not ask this question of foster parents on the survey, those foster parents who participated in focus groups were generally very enthusiastic about attending hearings and expressed a strong belief that their presence at hearings was important.

³ We surveyed all youth age eight and over currently in foster care. We were not able to identify those youth whose cases were new and for whom a post-adjudicatory hearing had not yet been held. Therefore, it is possible that some of the youth reporting that they have not attended a hearing may simply have not yet had an opportunity to do so.

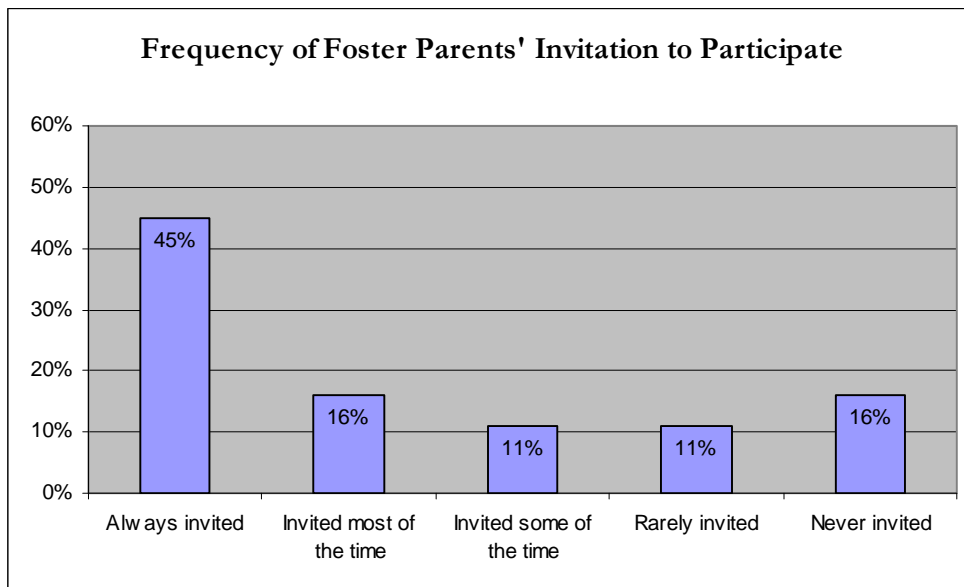
Hearing Participation

Courts have adopted various methods and procedures for engaging youth at hearings. While some judges allow youth to remain in the court for the duration of the hearing, others excuse youth from the courtroom once they have had an opportunity to address the court. Some judges ask youth speak at the beginning of the hearing, others prefer that youth speak after everyone else, and still others make this determination on a case by case basis. Though some sort of protocol exists for this process in every county, every court occasionally exercises its discretion to depart from the established protocol when appropriate.

In all counties youth are given an opportunity to provide input when they attend hearings, and the vast majority of youth choose to do so. About 83% of youth ages 8-12 and 80% of youth ages 13-17 reported that they have spoken to the judge during a hearing. Eighty-five percent of youth ages 8-12 and 69% of youth ages 13-17 indicated that they were able to say everything they hoped to during the hearing. Many of those who were not able to say everything they hoped to explained that they were too frightened or intimidated or that they did not trust the judge and/or other authority figures in the courtroom. These data are presented in more detail in the individual county reports.

Judges' approaches to engaging foster parents in the courtroom are perhaps more varied than those for engaging foster youth. While some judges believe it is appropriate to have foster parents in the courtroom for the duration of the hearing and to engage them at the same level that they do youth, others feel that foster parents have limited or no standing in child protection cases and that their involvement should be minimal.

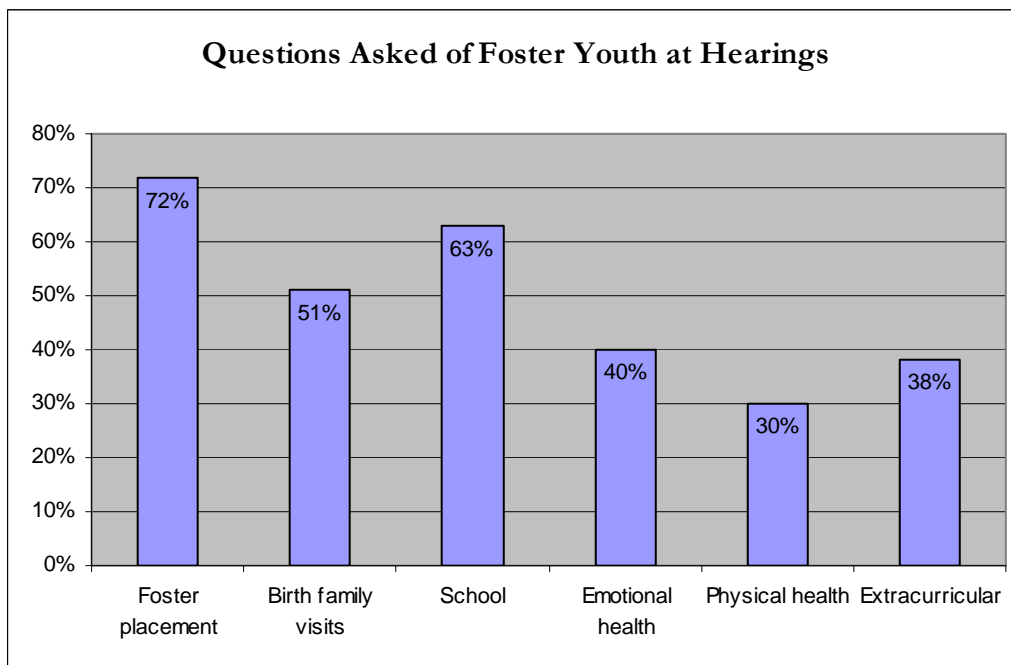
The differing approaches of judges are reflected in the experiences of foster parents. Of those surveyed, about 61% indicated that they are always or almost always invited to participate when they attend hearings, while 27% reported that they are rarely or never invited to participate. These data are summarized in the chart below. Of those foster parents who are invited to participate, over 92% report that they always or almost always choose to address the court.



While judges will seek different types of information of foster youth and foster parents depending on the case and the hearing type, in order to get a better sense of the types of things that judges tend to inquire about, we asked foster parents and older foster youth to indicate whether or not a judge had ever asked about specified topics. We asked foster youth to report whether a judge had inquired about the following:

- Their foster placement
- Visits with their birth family
- School
- Emotional well-being
- Physical Health

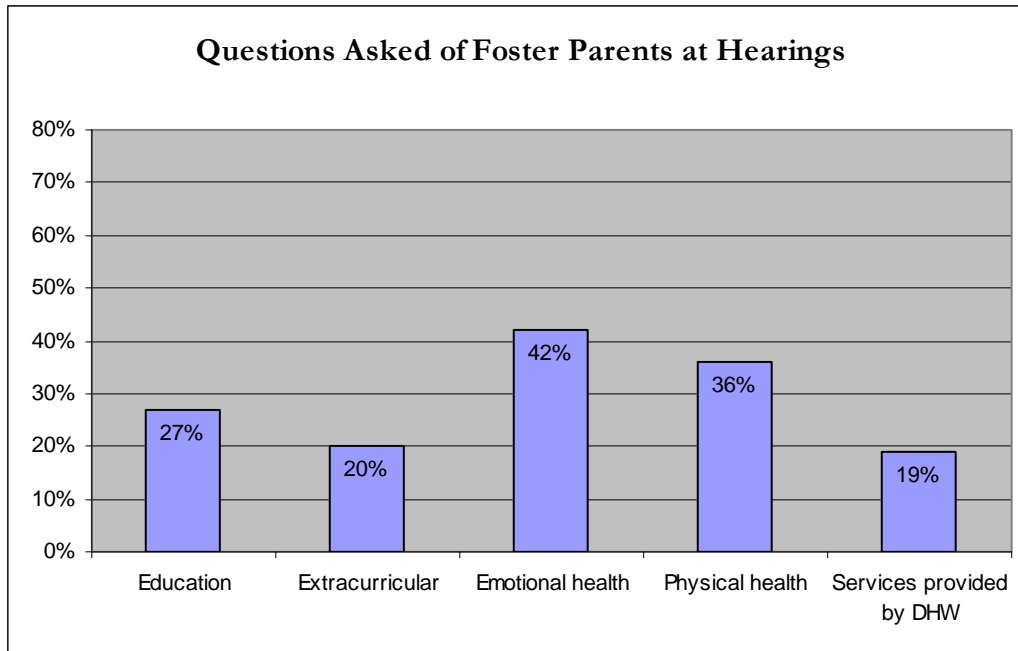
Responses are summarized below.



We asked foster parents to report whether a judge had inquired about the following:

- Their foster child’s schooling or educational needs
- Their foster child’s extracurricular activities
- Their foster child’s emotional well-being
- Their foster child’s physical Health
- Services provided by DHW

As the chart below shows, overall, judges ask foster parents about these specific topics much less frequently than they do foster youth.



Important Statewide Challenges Related to the Implementation of I.J.R. 40

To some extent, implementation of I.J.R. 40 has looked differently in each court, and key players in each county have identified unique challenges related to implementation. There are, nevertheless, several issues and challenges that have emerged in all or most counties to varying degrees. As individual counties work to resolve emerging issues and refine their implementation process, some matters related to the new rule may be deserving of statewide attention, by the Child Protection Committee or others working to improve court processes and outcomes for youth. These matters are discussed briefly here:

The need for an appropriate waiting area for youth.

As we traveled across the state conducting this evaluation, one message that we heard repeatedly is that foster youth need to have a safer and more appropriate area in which to wait for hearings. This is especially true in counties where hearings are “stacked” and waiting times are long. Youth often wait for extended periods of time along with other foster youth, biological families, and strangers who happen to be in the area waiting for other types of hearings. They are often unsupervised as caseworkers and GALs may be attending hearings for other youth. In this situation, there is potential for youth to be exposed to inappropriate behaviors or discussions, particularly where an abusive or manipulative parent is present and the youth is left unsupervised.

We are aware that at least a couple of counties have begun the process of securing a separate room in which youth can wait along with supervising adults. We recognize, of course, that because most courthouses have a shortage of space, this may not be an option in all counties. If no separate room is available for youth, local stakeholder groups might begin exploring ways of ensuring that youth are supervised and safe while waiting for hearings and that the waiting time is as minimal as possible.

Key questions related to the invitation to attend hearings.

In every county that we visited (and likely in other counties as well), those tasked with inviting youth to attend hearings (typically caseworkers and GALs) have struggled with knowing how to approach youth in this situation. The struggle has to do with confusion over what I.J.R. 40 requires as well as uncertainty around and disagreement over what may be in a youth's best interest in a given case. As a result, youth sometimes receive mixed messages from the several adults who invite them and prepare them for hearings. Moreover, caseworkers, GALs, and attorneys for youth are not always on the same page about whether or not a particular youth should and will attend a hearing.

There are several underlying questions that may need to be addressed in an effort to provide clarification. One question relates to how the option of attending court is presented to youth. Should youth be strongly encouraged to attend or should the invitation be presented in a neutral way? There are also questions about expectations under the new rule. Is there a presumption that a youth will be present unless someone identifies a "legitimate" reason for them to miss a hearing? If so, what constitutes a "legitimate" reason? Finally, to what extent does the decision of whether to attend belong to the youth as opposed to caseworkers, GALs, counselors, etc.? Does this change in cases where the youth is especially young and/or developmentally delayed or emotionally unstable?

It may or may not be appropriate to establish statewide protocol for answering some of these questions. Regardless, it would be beneficial for key players in local jurisdictions to work towards providing some clarification as many DHW staff and CASA staff across the state have specifically requested guidance in this area.

Clarification about the "right to be heard."

I.J.R. 40 provides that foster youth age eight and over and foster parents, pre-adoptive parents, and relative caregivers "have a right to be heard" at post-adjudicatory hearings. Though this phrase is intentionally vague to allow flexibility in implementation, there is some indication that some amount of clarification may be needed. Many DHW and CASA staff that we spoke with indicated that within their organization, this phrase has been interpreted to mean that youth are expected to attend hearings. In reality, the rule provides that youth can be heard "either in person or in writing" and there are various reasons why a letter or some other alternative method of being heard may be appropriate in any given case.

This may be partly a training issue for local DHW and GALs, though some from DHW indicated to us that they would feel more comfortable using alternative methods of facilitating the right to be heard if they had more explicit permission to do so and more guidance about when to use various methods. Additionally, it may be worthwhile to begin exploring new ways of allowing youth to be heard (i.e. tape recordings, skype).

Confusion about the "right to be heard" also exists with regard to foster parents, pre-adoptive parents, and relative caregivers, though in a different way. The question of whether foster parents should be provided alternative options for being heard has not been addressed directly, though it is clear that in most counties, foster parents generally are not invited to submit letters or otherwise provide input in cases where they are unable to attend hearings.

Talking with youth about confidentiality and ex parte communication.

When we asked youth for suggestions about how to improve the process, many that we surveyed or spoke with during focus groups indicated to us that they wish youth could speak with judges in private to avoid having to speak in front of their biological parents or a courtroom full of strangers. In the minds of many youth, this is the one thing that would make them feel comfortable enough to exercise their right to be heard. Most of these youth do not have an understanding about ex parte communication, which needs to be a part of the discussion that caseworkers, GALs, and others have with youth when they are inviting them to attend hearings and preparing them for court.

As a related matter, we heard from some of the youth who have chosen to write letters to their judge that they did not realize their letters would be shared with others, particularly their parents. One youth told us that he was caught off guard when he was asked to read his letter aloud in court.

Whether this matter is handled on a statewide or local level, it is important that youth have realistic expectations about what it means to be heard by the court.

Creating a more meaningful court experience for youth.

I.J.R. 40 is intended to provide youth with a voice in the child protection process and to allow them to feel more involved and more informed. What this evaluation has shown us is that while youth are being invited to attend hearings as required and are often attending hearings as hoped, many do not feel heard and many do not feel involved in nor informed of the process. In other words, many youth are not benefiting from the new rule as intended.

The data have also shown us that, in some ways, the experience is different for older youth than it is for younger youth and it is the older youth in particular who appear not to be benefiting. Creating a meaningful experience for teenagers may be especially challenging as many of them have been disillusioned by years of experience (much of it negative) with child welfare and juvenile justice systems and criminal and/or family law courts. So many of the adolescent youth that we spoke with are terribly mistrustful of authority figures and of adults in general and remain unconvinced that their input will ever have an impact on their case. These youth are difficult to engage in a meaningful way and it is clear that to this point, most of them have not been.

At the same time, these youth may be easily disappointed and quick to disengage if their expectations are not met. Therefore, it is important that they have realistic expectations about what the judge can and can not do with input. They need to understand, for example, that while the judge will consider what they have to say, this is not the same as giving them what they ask for. Many of the older youth we spoke with expressed great disappointment over not seeing any action taken after they expressed a specific concern to their judge. It might be helpful if youth had some understanding about what does and does not fall within the scope of a judge's authority.

It will be no easy task to create a more meaningful experience for youth, and in reality, there are probably inherent limits on how meaningful this experience can be for some youth. Nevertheless, it would be worthwhile for the stakeholder groups in individual counties to evaluate and discuss the experience of youth in their respective counties to try to identify patterns and potential ways of improving the quality of youth participation. Furthermore, it may be appropriate for the Child Protection Committee to research best practices for engaging youth and identify potential trainings or other resources that might inform the efforts of local courts.

The role of foster parents, pre-adoptive parents, and relative caregivers.

While a lot of time and resources have been devoted to ensuring that a workable and consistent process is in place for facilitating foster youth's right to be heard on a local level, much less time has been devoted to ensuring the same for foster parents. As a result, a great many questions remain about the involvement of foster parents, and local jurisdictions vary with regard to how they go about engaging foster parents. For instance, in some counties, DHW staff take steps to try to prepare foster parents for hearings just as they do foster youth, while in other counties, this is not the role of DHW. Similarly, in some, but not all, counties, caseworkers assume a proactive role in keeping foster parents informed about hearings as well as progress in the case, which helps foster parents to decide whether to attend a particular hearing. Some judges feel it is appropriate that foster parents remain in the courtroom for the duration of a hearing, while others feel strongly that foster parents do not have legal standing to do so. Moreover, judges engage foster parents during hearings to varying degrees, and some judges do not always invite foster parents to participate at hearings.

It is not at all surprising (nor necessarily problematic) that counties differ in how they have gone about extending to foster parents the right to be heard at hearings. However, it is not clear whether local processes are the deliberate result of discussion and decision-making among key players. Furthermore, many foster parents report that they do not feel they are given adequate opportunities to be heard and that they feel uninformed and uninvolved much of the time. Given all of this, local stakeholder groups should consider engaging in discussion about the appropriate role of foster parents and the best way of facilitating their right to be heard. It may make sense to have these discussions on a statewide level as well.

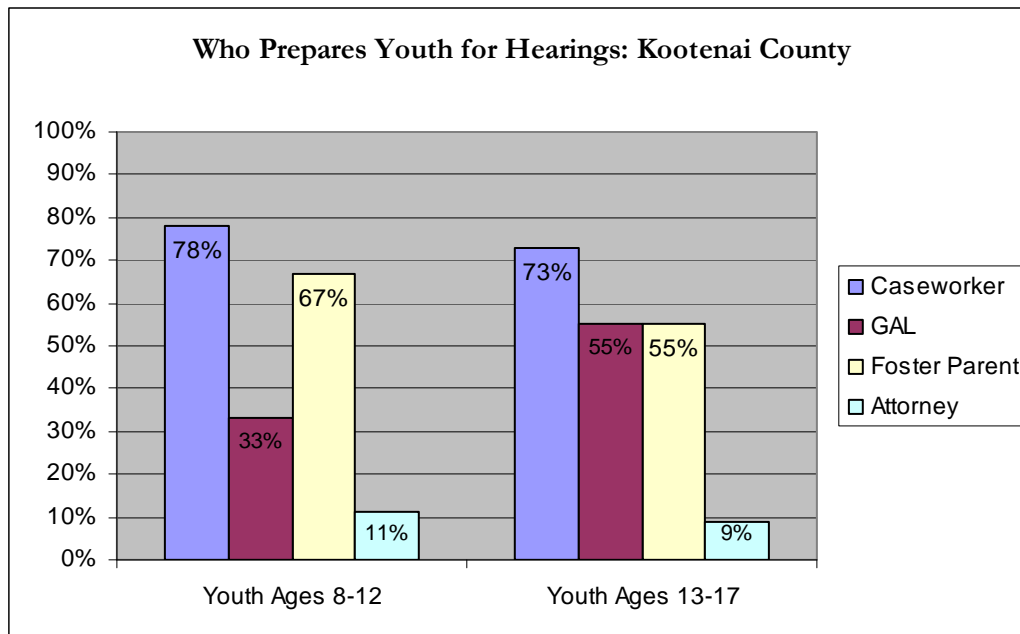
Kootenai County

Hearing Notification and Preparation

Both foster parents and foster youth consistently receive notification of hearings in Kootenai County. Of those surveyed, 94% percent of foster parents and 87% of foster youth reported that they receive some sort of notice.⁴ Foster parents typically receive both written and verbal notification of hearings from the Department of Health and Welfare (DHW), and youth receive verbal notification from both DHW and CASA. In addition, subsequent hearing dates are set at the conclusion of all hearings, at which point foster parents and foster youth who are present receive written notification. Foster parents indicated that their preference is to receive a copy of the written notice distributed at the end of hearings.

The judge always makes an effort to confirm that notice was given to foster youth. In cases where the youth is not present, the judge inquires with CASA and the DHW as to the reason. DHW uses a standardized form to inform the court that notice was given to youth. However, in cases where the youth has decided not to attend, the court apparently does not always receive this form.

According to those interviewed, both caseworkers and GALs have a role in preparing youth for hearings. DHW staff reported that they typically prepare both foster youth and foster parents during home visits. Many from DHW and CASA reported that they feel it would be beneficial if they had more tools and resources to help them prepare youth. As the chart below illustrates, foster parents also have a prominent role in preparing youth for hearings.



⁴ We surveyed all youth age eight and over currently in foster care. We were not able to identify those youth whose cases were new and for whom a post-adjudicatory hearing had not yet been scheduled. Therefore, it is possible that some of the youth reporting that they did not receive notice may simply have not yet been entitled to notice. Though we surveyed all foster parents in the five pilot counties, we included in our statistical analysis only those foster parents who have had a child placed in their home in the past year for a period of at least six months.

The survey and focus group data indicate that generally, most youth feel well prepared for their hearings. Only one of the survey respondents reported that no one had prepared her for her hearings. All others indicated that they had been prepared by a caseworker, a GAL, and/or a foster parent. A few respondents did offer suggestions for how to help them feel more prepared. Some indicated that they would have liked to have had more advance notice or, as one youth put it, “more time to get over fears of talking in front of people.” A couple of others reported that they would like more detail about what will happen during hearings. One specified that he would like to know what questions the judge might ask during the hearing.

Foster parent focus group participants all agreed that both caseworkers and CASA staff and volunteers always take the time to explain what will happen at hearings and try to ensure that they feel adequately prepared.

Hearing Attendance

Youth are reportedly attending hearings with increasing frequency, and many youth are now routinely attending their child protection hearings, according to those we spoke with. Younger youth are less likely to attend hearings than older youth. According to the survey data, while 87% of youth ages 13-17 have attended at least one child protection hearing, only 57% of youth ages 8-12 have done so.⁵ It is the perception of some DHW staff that we spoke with that younger youth are much more likely to be too afraid or too emotionally fragile to attend hearings.

In Kootenai County, there is a presumption that youth will attend hearings unless someone (such as a GAL, caseworker, or counselor) raises a concern about their attendance or the youth indicates that they do not wish to attend. The youth we spoke to indicated that they feel it is entirely their choice whether or not to attend a hearing. Some youth choose not to attend because they do not want to miss school or because they are frightened or embarrassed by the idea of being in court. Some of the DHW staff we spoke with reported that they know of older youth who initially had reservations about attending, but had a change of attitude after their first hearing.

Occasionally, the decision is made not to allow a youth to attend court because of emotional or behavioral issues. Though DHW and CASA staff are generally in agreement when this occurs, disagreements have arisen in the past. In these cases, it is left to the youth’s counselor to make the final decision.

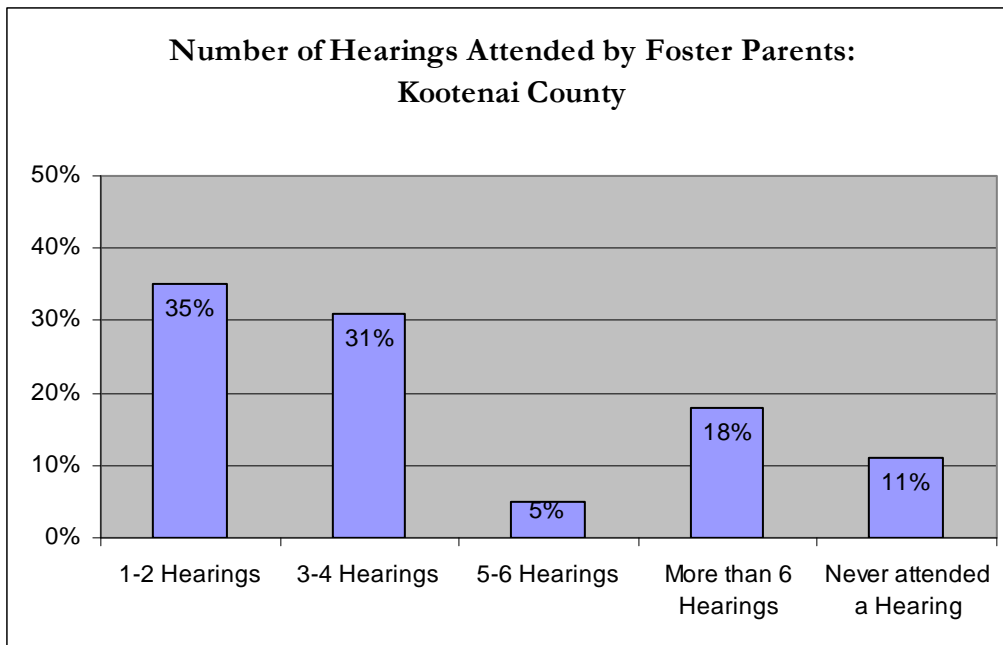
Youth who do not attend hearings are always given the option of writing a letter to the judge. In these cases, someone typically reads the letter aloud in court. About one third of the youth who responded to the survey indicated that they had sent a letter to the judge. The youth who participated in the focus groups offered a variety of opinions about the idea of expressing themselves via a letter. One youth in each of the focus groups indicated that they prefer to write a letter over attending hearings. Most youth, however, reported that they would prefer to voice their opinions in person. Two of the youth reported that they have enjoyed writing letters to the judge, but ultimately do not have a preference one way or another. The DHW and CASA staff we spoke

⁵ We surveyed all youth age eight and over currently in foster care. We were not able to identify those youth whose cases were new and for whom a post-adjudicatory hearing had not yet been held. Therefore, it is possible that some of the youth reporting that they have not attended a hearing may simply have not yet had an opportunity to do so.

with all agree that it is incredibly important that youth always be given the opportunity to write a letter if they do not attend the hearing for some reason.

Several people that we spoke with indicated that one area of concern related to having youth attend hearings is that they are required to wait in the hallway before their hearing begins or after they have been excused from the courtroom. Youth may be unsupervised at times and may be required to wait along with many other people, including other foster youth or biological parents and other family members. Potentially, youth are exposed to conversations and behaviors that may be inappropriate or harmful to them.

As the following chart shows, foster parents have also been attending hearings frequently in Kootenai County. Of the Kootenai County foster parents who responded to our survey, 89% had attended at least one hearing, and most had attended three or more hearings. In addition, 30% of respondents reported that they have submitted written statements to the court.



Hearing Participation

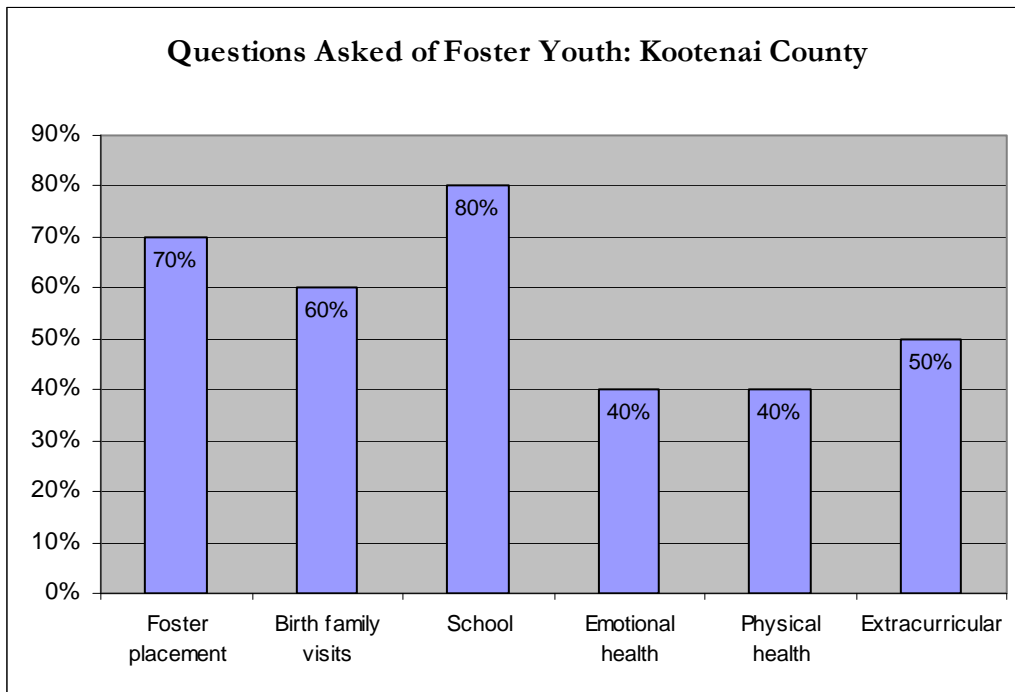
The protocol in Kootenai County is that youth in attendance are allowed to address the court at the start of the hearing and are then excused for the remainder of the proceeding. Occasionally, the judge will allow a youth to stay for the duration of the hearing. The youth and others who we spoke with expressed conflicting opinions about whether or not it is appropriate for youth to stay for the full hearing. While some DHW staff expressed a belief that it can be beneficial for youth to hear for themselves what is happening with their case and their parents' progress, others feel that some of the issues discussed during hearings are too sensitive for the youth to be exposed to. Most of the youth focus group participants told us they would like to remain present for the full hearing. Several were adamant that it was unfair for them to be excused while others spoke about them "behind their backs" and that they could not necessarily trust others to tell them the "whole truth."

Most youth who attend choose to address the court when given the opportunity. Approximately 88% of youth ages 8-12 have spoken during a hearing and 77% of youth ages 13-17 spoke at their most recent hearing. All but one of the youth participating in the focus groups reported that they had spoken during at least one hearing. In addition, when asked whether they had said everything that wanted to during their hearing, 75% of youth ages 8-12 and 64% of youth ages 13-17 reported that they had.

Although the types of information the judge may seek from youth will vary by case to some degree, in order to get a better sense about what questions the judge tends to ask youth, we asked the older survey respondents to indicate whether or not the judge asked them about the following at their last hearing:

- Their foster placement
- Visits with their birth family
- School
- Emotional well-being
- Physical Health
- Extracurricular activities

Responses are summarized in the chart below. According to their responses, the judge asks about each of these things at least some of the time. With the exception of emotional well-being and physical health, the majority of respondents had been asked about each of these aspects of their life at their most recent hearing. The judge is most likely to ask about school.

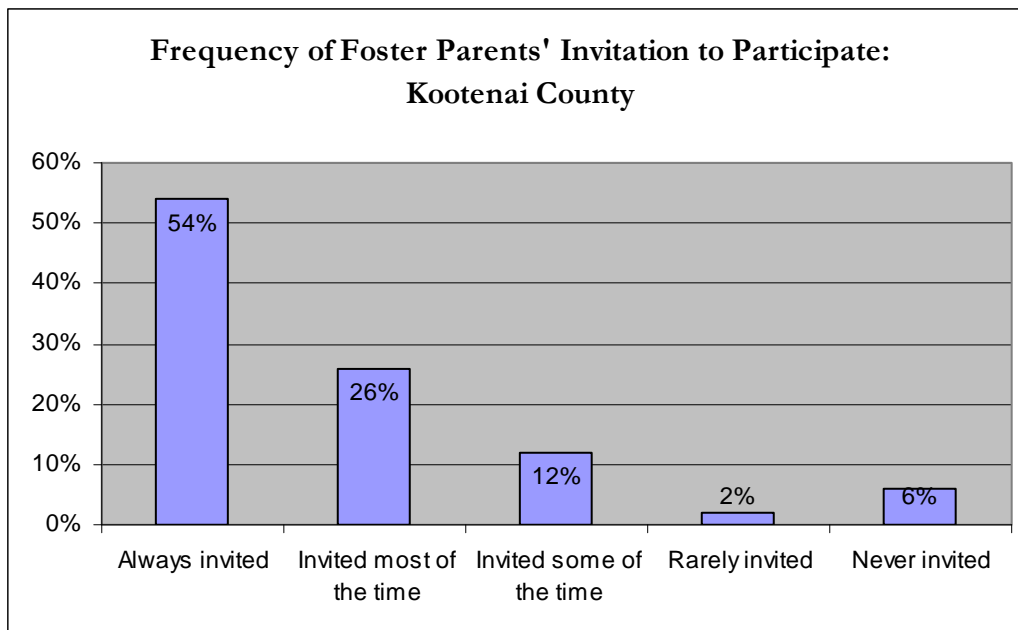


We felt it important to gain further insight into the reasons why some youth choose not to participate during hearings or feel that they are unable to say everything they would like to. A couple of the youth indicated that they felt it was unnecessary for them to say anything. A couple of others

reported that they were interrupted before finishing what they had to say, but did not specify who interrupted them. Finally, a few reported that they were too frightened to speak or express themselves completely. These responses were offered by youth in both age groups.

As a related matter, we wanted to know whether youth have reservations about speaking openly and honestly in court when their biological parents are present in the room. Two focus group participants told us that they were in fact too frightened to speak in front of their parents. Additionally, a few survey respondents also expressed a fear or discomfort with speaking in front of their parents. Interestingly, a couple of the older youth told us that while they do not mind speaking in front of their parents, they do fear that if they are honest with the judge about how they feel about their foster placement, there will be ramifications when they get home. In order to accommodate youth who are too frightened to speak in front of parents, the judge will occasionally excuse everyone except for the youth and perhaps one other person (if the youth needs support) while he speaks with the youth.

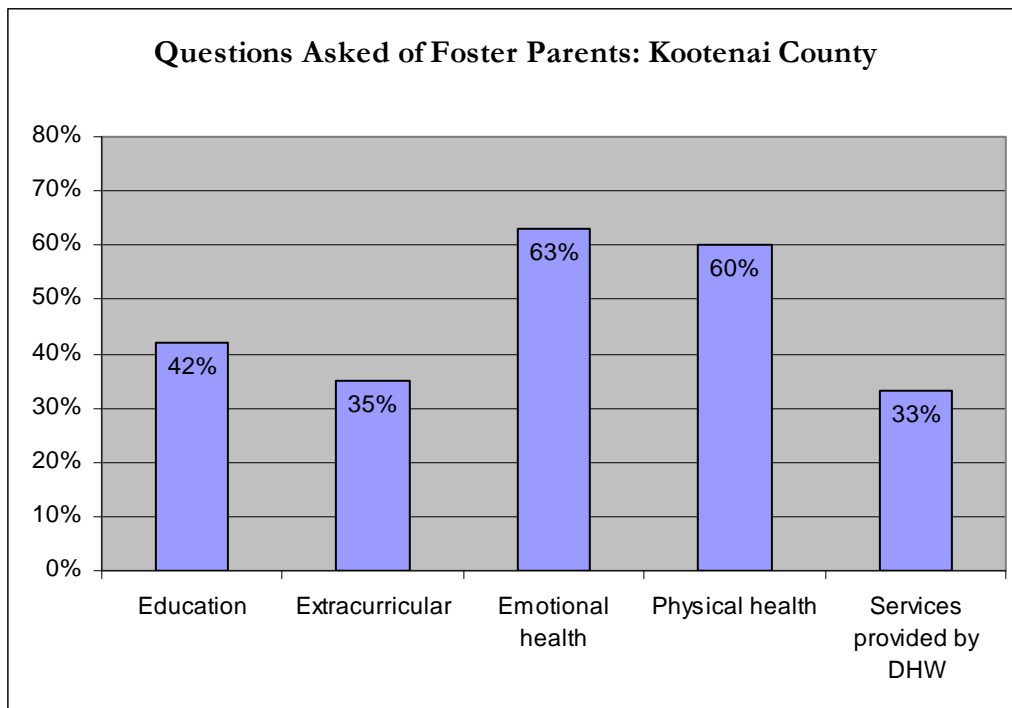
According to those we interviewed, the judge typically does a good job of engaging foster parents who attend child protection hearings. As a general rule, foster parents are allowed to remain in the courtroom for the duration of a hearing. Eighty percent of foster parents who responded to our survey reported that they are invited to participate during hearings always or most of the time. Just eight percent reported that they are rarely or never invited to participate. As with foster youth, the vast majority of foster parents who attend hearings choose to participate when given the opportunity. Nearly 94% of survey respondents reported that they always speak during hearings when asked to. Around 80% of foster parents surveyed reported that they believe they are provided adequate opportunities to participate during hearings.



Just as we did with youth, we asked foster parents to indicate which specific topics the judge inquired about while addressing them in court. We asked about the following:

- Their foster child’s schooling or educational needs
- Their foster child’s extracurricular activities
- Their foster child’s emotional well-being
- Their foster child’s physical Health
- Services provided by DHW

Once again, the responses suggest that the judge inquires about each of the topics at least some of the time. The judge is most likely to ask foster parents about their foster youth’s emotional well-being and physical health.



The Experience of Foster Youth and Foster Parents

Part of what we hoped to ascertain while conducting this evaluation is whether or not foster youth and foster parents attending hearings are benefitting from their experiences. More specifically, we wanted to know whether foster youth and parents feel informed and involved and whether or not they believe the court takes their views and opinions into account. The focus groups were a particularly useful forum for gleaning this kind of feedback.

The two age groups of foster youth we spoke with in Kootenai County had two very distinct views about their experiences in court. While the younger youth found their experiences to be meaningful and positive overall, the older youth had many negative things to report about their experiences. All participating in the group for older youth agreed that they have not benefitted from attending hearings. The consensus among them was that no one involved in their case truly listens to them and that nothing they say at hearings has any impact on their case. They each expressed feelings of distrust, frustration with the system, and helplessness. One youth expressed that he feels “like a piece of furniture that the state moves around.” When we asked them to explain what could

be done to help them feel more heard and more involved, they all agreed that they would like to see some sort of action taken to address concerns that they have expressed about their situations.

All of the youth present were 17 years old and most had been in care for many years. It was clear that their current perceptions about court hearings and the child protection process more generally may have been negatively influenced by previous experiences in the foster care system.

Interestingly, when we asked the youth whether or not they understood the proceedings and the implications of the outcomes for their case, only the two younger youth expressed a good understanding of their case. These two youth, who were remarkably mature for their age, were able to clearly articulate the purpose of specific hearings and the stages of the process. The older youth reported feeling uninvolved and uninformed. Most stated that the adults in their life have done a poor job of explaining the details of their case. One participant indicated that he does not even know why he is in care.

The desire (or lack thereof) of foster youth to attend subsequent hearings in their child protection cases may be an indicator of how beneficial their past court experiences have been. As part of the survey, we asked youth whether or not they wanted to attend court again (or, in cases where they had never attended, whether they would like to). In Kootenai County, 50% of youth ages 8-12 and 71% of youth ages 13-17 indicated that they would. This suggests that at least some youth, particularly older youth, appear to have had positive court experiences. Those who indicated that they do not want to attend court again expressed that court is scary or uncomfortable.

Despite the fact that some of the older youth hold rather pessimistic views about the child protection system and about their ability to have a voice in the process, the youth we spoke with generally view I.J.R. 40 in a relatively positive light. They all seemed to enjoy the idea of having youth participate in the process. Most seemed able to appreciate the potential benefits to youth, even if they did not necessarily feel like they had experienced those benefits themselves. They did seem to agree that it should be left up to each individual youth to decide whether they want to attend.

The experience of foster parents has been rather different than that of foster youth in Kootenai County. Of those foster parents surveyed, 58% reported that they believe the judge takes their views and opinions into account (34% indicated that they were unsure whether or not this is the case). Though most of these parents provided positive feedback about their experiences, a few indicated that they have not been notified of hearings or that they have not been given an opportunity to provide input.

The feedback that we received from those foster parents who participated in the focus group in Kootenai County, however, was entirely positive. All present expressed that they feel very welcome and comfortable in court and that they feel very strongly that the judge listens to them intently and carefully considers everything they have to say. A number of them added that they believe the judge's process to be fair and impartial. One added that they appreciate the judge's willingness to take the time needed to deliberate a case. The foster parents who we spoke with appear to feel very much a part of the process.

Important Challenges and Suggestions for Improvement

We gave all survey respondents, focus group participants, and interviewees the opportunity to identify aspects of I.J.R. 40 that they find to be especially challenging and to offer suggestions for improving the implementation process. These responses in combination with the overall data were used to identify implementation challenges or aspects of I.J.R. 40 that might benefit from further attention from the local stakeholder group. These issues are discussed briefly below:

A clearer process for deciding whether or not especially young, delayed, or emotionally unstable youth should attend hearings. Caseworkers, GALs, and others generally work together in deciding whether it is in the best interests of a particular youth to attend a hearing. There are occasional disagreements, however, when it comes to youth who are very young and immature and/or developmentally delayed or emotionally unstable. Though there is no official protocol for how to handle these types of situations, in some such cases, the child's counselor has been the one to make the final determination. Both DHW staff and CASA staff have indicated that they would like to have a more definitive process for making this decision in cases where there is disagreement or where the youth is especially vulnerable.

The need for an appropriate waiting area for youth. As previously mentioned, many in Kootenai County believe it is problematic that youth must wait in the hallway before or during their hearings, where other foster youth and biological family members are often waiting as well. This situation is particularly concerning in cases where abusive parents may be present and the youth may be unsupervised. We are told that steps are being taken in Kootenai County to identify a more appropriate waiting area for foster youth. If such an area has not already been secured, we recommend that these efforts continue.

Creating a more meaningful court experience for youth. Perhaps the most important message that we took away from the focus group for older foster youth was that they do not feel like they are benefiting from attending their child protection hearings. Those we spoke with do not feel like they are being heard or involved in the process nor do they claim to be informed about their case. To be fair, most of these youth have been in care for many years and have every reason to feel mistrustful and frustrated. There is no doubt that their current perceptions must be impacted by previous experiences with the courts and with the child welfare system. In recognizing this, those who are tasked with engaging these youth may need to be creative in how they ensure that the process is as meaningful and beneficial as possible for youth.

Transition from one to six child protection judges. Though not directly related to the implementation of I.J.R. 40, there is one additional impending challenge that is worth mentioning here as it appears to be the most pressing issue on people's minds. At the end of August of this year, Kootenai County will undergo a transition in which the child protection caseload will be shifted from one to six magistrate judges. There is a high level of anxiety associated with the upcoming change that seems to stem from a fear that the current system, which most believe is effective and functional, will begin to break down. Generally, foster parents, DGW staff, and CASA staff and volunteers have been satisfied with how I.J.R. 40 has been implemented and agree that it has been effective at providing foster youth and foster parents with a voice in the process (perhaps with the exception of older foster youth). The transition will be challenging on a number of different levels, and part of the struggle will be ensuring that those aspects of I.J.R. 40 that appear to be working well continue to do so.

In addition to these key issues, which seemed particularly evident, those we spoke with offered a variety of suggestions for how to improve implementation of I.J.R. 40. A complete list of those suggestions are included here:

Suggestions from foster youth:

- Make sure a hearing is really going to take place before you notify youth, and if it is cancelled, give as much notice as possible.
- Help youth get over their fears of talking in front of people
- Make sure that adults do not interrupt youth in the courtroom or try to “correct” the statement made by youth.
- Allow youth to talk to the judge alone (for fear of talking in front of biological or foster parents)

Suggestions from foster parents:

- Provide foster parents the opportunity to say more at hearings.
- Allow foster parents to talk about their observations of interactions between foster youth and biological parents and caseworkers.
- Provide more advance notice of hearings.
- Foster parents should always receive notification of hearings.
- Foster parents’ identity should not be revealed to biological parents, for their protection.

Other Suggestions:

- Offer additional training for DHW and CASA staff on how to prepare youth for their hearings.
- Do more to familiarize youth with the courtroom and with court procedures before they attend court. Those we spoke with agreed that it would be a good idea to offer an orientation or courtroom fieldtrip of some sort to all foster youth age eight and over.
- Do more to ensure that youth are being properly debriefed after hearings.
- Begin hearings with foster youth rather than with caseworkers.
- Encourage judge to acknowledge more of the positive aspects of the youth’s life and youth’s behavior.
- Notify judge ahead of time if foster parents do not wish for their last names to be used in court.
- Ensure more consistency in the process by which the judge is notified about whether or not a youth will attend and hearing.
- Notify the judge ahead of time if there will be especially sensitive issues introduced at a hearing.
- The Idaho Supreme Court or Child Protection Committee might provide guidance on how a judge should proceed in situations where the youth wishes to address the court outside of the presence of his/her parents.

Canyon County

Hearing Notification and Preparation

According to the data, most foster parents and foster youth age eight and over receive some sort of notice of post-adjudicatory hearings. Of the survey respondents, 83% of foster parents and 72% of foster youth reported that they have been receiving notification.⁶ Typically, both foster parents and foster youth receive verbal notification of their hearings from their caseworker, and often from their GAL as well. By all accounts, neither group consistently receives written notification from DHW. DHW staff indicated that they are working towards establishing a more streamlined process for ensuring that written notification is sent to all parents and youth.

Caseworkers document in their reports that the youth was invited and indicate whether or not they will attend and, if they do not attend, the reason why. The judges report that they also often get verbal confirmation of this at the hearing.

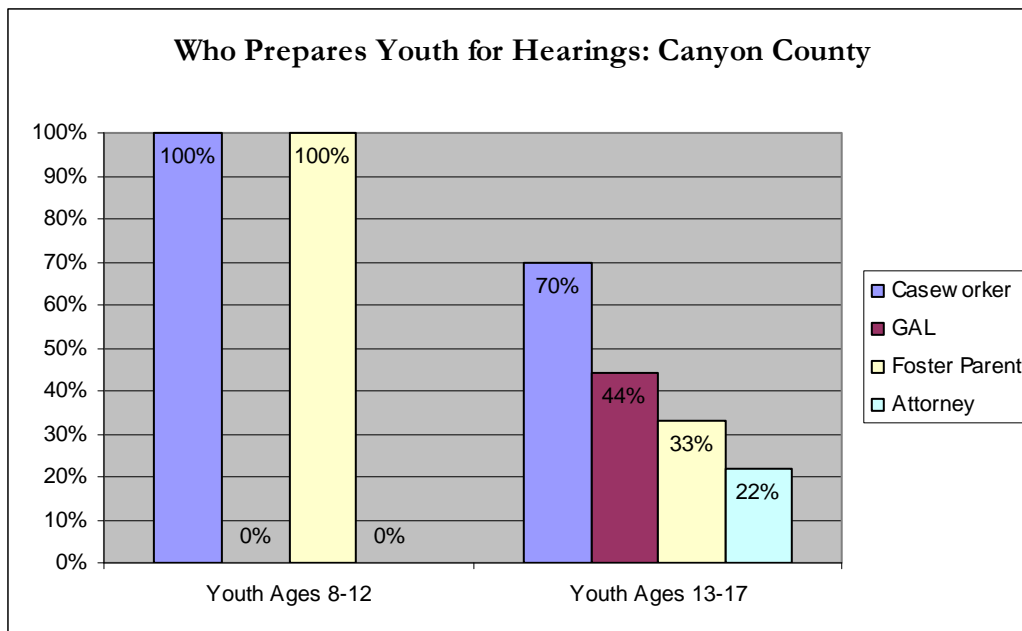
It is clear that for some foster parents in Canyon County, notification of hearings is not the same as an invitation to attend hearings. Many of those who reported that they receive notice also expressed that they did not realize they could attend or that they felt discouraged from attending. Some report that their caseworkers have told them that it is unnecessary for foster parents to attend or that foster parents are not allowed to participate at hearings. Canyon County judges vary with regard to how they approach foster parents in court and do not always engage foster parents at hearings. This could explain why DHW staff may have, at times, felt it appropriate to discourage foster parents from attending.

The chart below summarizes data regarding youth preparation. Clearly, DHW has the most prominent role preparing youth for their hearings. DHW describe this preparation as an “on-going dialogue” that they have during home visits. They reportedly talk with the youth about such things as appropriate dress, the purpose of the hearing, and the youth’s role at the hearing. CASA staff and volunteers report that they typically follow up with youth to ensure that they have been invited and prepared for hearings, though in the past, this has been sometimes challenging because they themselves have received late notification of hearings. Few youth in Canyon County reported that their GAL prepares them for hearings, however, it is uncertain whether all youth understand the meaning of the terms “guardian ad litem” and “CASA worker,” which may have made this particular survey question confusing for them.

Generally, youth indicated that they feel well prepared for their hearings. All of the youth that we surveyed or spoke with during a focus group told us that at least someone had talked with them about their hearing before they attended and that they felt prepared. They did, however, offer a few suggestions for how to help them feel better prepared. These suggestions included: explain things in more detail, allow youth an opportunity to speak with the GAL before court, tell youth

⁶ We surveyed all youth age eight and over currently in foster care. We were not able to identify those youth whose cases were new and for whom a post-adjudicatory hearing had not yet been scheduled. Therefore, it is possible that some of the youth reporting that they did not receive notice may simply have not yet been entitled to notice. Though we surveyed all foster parents in the five pilot counties, we included in our statistical analysis only those foster parents who have had a child placed in their home in the past year for a period of at least six months.

ahead of time that they will be allowed to speak to the judge, inform youth how to address the judge while in court, and provide more advance notice of hearings.



Hearing Attendance

Older youth are much more likely to attend hearings than younger youth in Canyon County. While 77% of youth ages 13-17 reported that they have attended a child protection hearing, only 27% of youth ages 8-12 reported the same. It is not clear why younger youth do not attend court as often.⁷ One might expect that these youth choose to write letters to the judge with much greater frequency, but the data suggest otherwise. Younger youth are only slightly more likely to write a letter (27%) than are older youth (13%), and overall, very few youth report ever having written a letter to the judge. Moreover, though the youth that we spoke with agreed that it is a good idea to give youth the option of writing a letter, all but one indicated that they prefer to speak to judge in court. In addition, responses to open-ended questions included on the survey indicate that older youth are just as likely as younger youth to feel scared or intimidated in court.

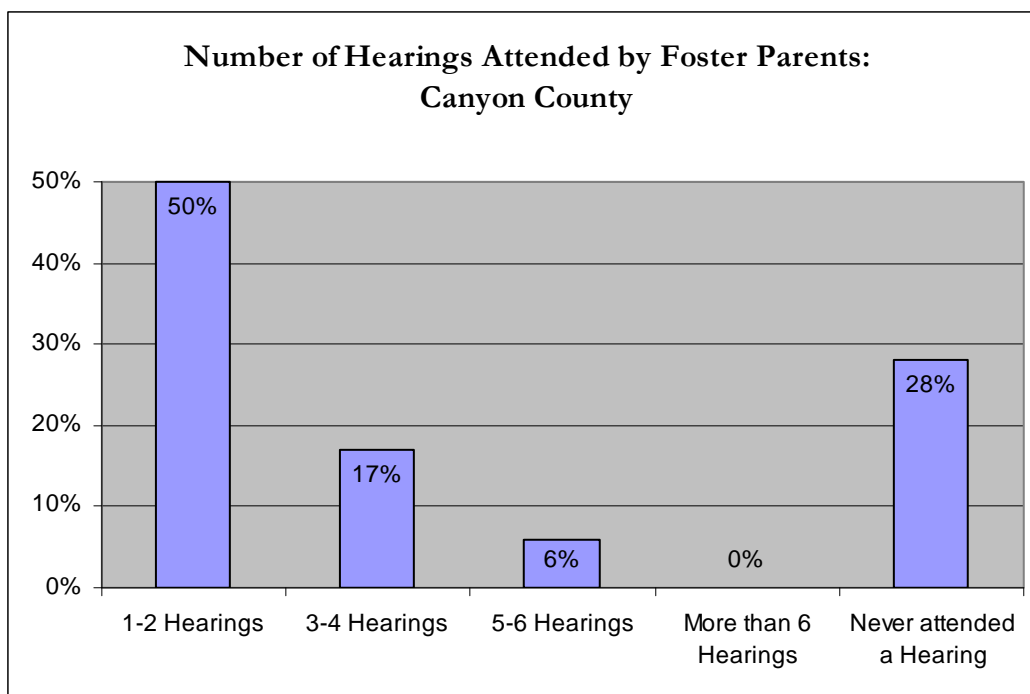
While there is an expectation that all youth age eight and over will be invited to attend hearings, according to most we spoke with, the decision about whether or not to attend hearings belongs entirely to the youth. There is, however, some indication that some youth feel pressure to attend hearings. While most youth told us that they felt free to decline invitations to attend hearings, a couple of youth indicated that they felt a great deal of pressure to attend. For one of these youth, the pressure came from staff at his residential facility. Additionally, is it clear from speaking with those who have a role in inviting and preparing youth that there is no common understanding about the degree to which youth should be encouraged to attend and whether or not this might vary depending on the age and maturity of the youth. One potential consequence of not having such a

⁷ We surveyed all youth age eight and over currently in foster care. We were not able to identify those youth whose cases were new and for whom a post-adjudicatory hearing had not yet been held. Therefore, it is possible that some of the youth reporting that they have not attended a hearing may simply have not yet had an opportunity to do so.

common understanding is that youth may be receiving mixed messages from the various adults communicating to them about court.

In some cases, where a youth has severe behavioral or emotional challenges, the decision about whether the youth will attend a hearing is left to caseworkers, counselors, and foster parents. There is no formal process for how this decision is made, however, and some that we spoke with believe that it should be made clearer who has ultimate decision-making authority in these situations.

The following illustrates that most foster parents are now attending at least some child protection hearings in Canyon County. About half report that they have attended at least one hearing in the past year, while 22% report that they have attended three or more hearings. About 28% of foster parents report that they have never attended a hearing. While some of these foster parents indicated that they are too busy to attend hearings, many reported that they were discouraged from attending or that they were told they would not be allowed to participate. Just 12% of foster parents surveyed have written a letter to the court.



Hearing Participation

In Canyon County, youth are sometimes allowed to stay for the entire hearing and sometimes excused after they are given an opportunity to speak to the judge. This depends partly on which judge hears the case and also on the age and emotional state of the child and the specifics of the case. About half of those youth we spoke with reported that they were allowed to stay for the entire hearing.

All involved attempt to anticipate when sensitive issues may arise during a hearing and notify the judge so that they have an opportunity to excuse the youth before these issues are taken up. However, some report that it is not always possible to anticipate what will occur during a hearing.

There have apparently been at least a couple of hearings during which a youth broke down during a hearing as the result of something that was said. Three of the older youth in our focus group told us that they have become upset enough during a hearing that they felt like they needed to leave the courtroom. While one was allowed to leave, the others were reportedly prevented from leaving. In general, several of those we spoke with at DHW and at CASA expressed some concern that the courtroom environment is not always appropriate for youth and that they may be exposed to further trauma.

The judges always make an effort to engage the youth who attend hearings, though each judge appears to have a little bit different approach. For instance, while one judge simply provides youth an opportunity to say what they would like to about their case, others try to engage youth in casual conversation in an attempt to set them at ease before asking them more sensitive questions or giving them an opportunity to speak about their case. One judge reports asking youth specific questions related to school, their foster placement, their needs and expectations, etc. once they appear more at ease speaking in court. While judges sometimes engage the youth in the beginning of the hearing and then excuse them into the hallway, other times they may allow them to stay for the entire hearing and engage them as needed or as appropriate.

Though judges are bound to inquire about different types of issues depending on the youth and the specifics of the case, we wanted to get a better sense about what questions the judge tends to ask in a typical case. We asked the older survey respondents who have attended hearings to indicate whether or not the judge asked them about the following at their last hearing:

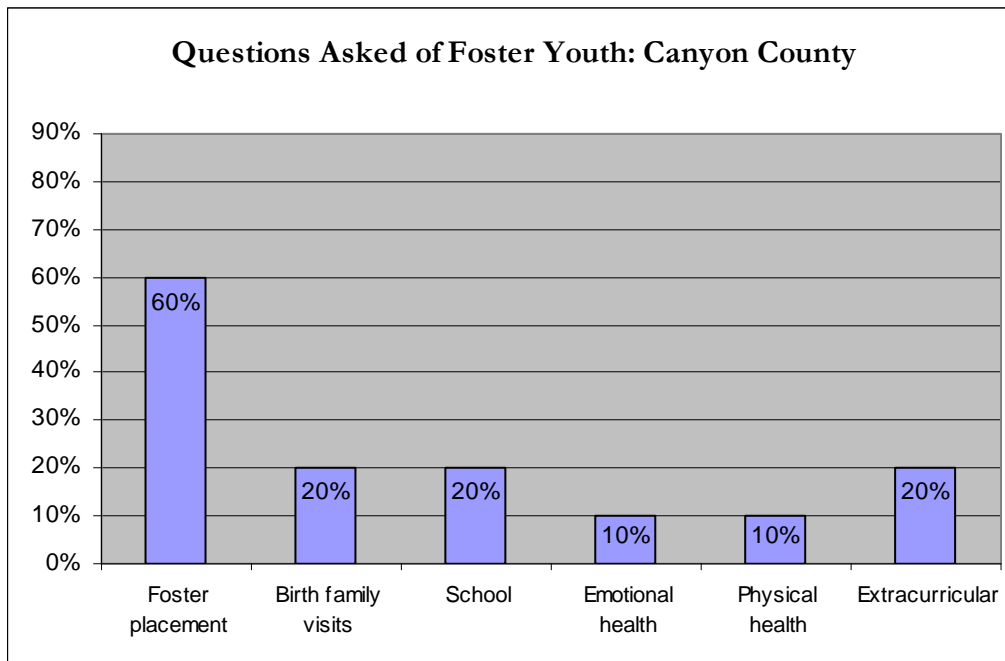
- Their foster placement
- Visits with their birth family
- School
- Emotional well-being
- Physical Health
- Extracurricular activities

Youth responses are summarized in the table shown on page 25. With the exception of foster placements, judges rarely ask youth about these specific topics. This of course does not indicate that judges are not engaging youth during hearings, but may suggest that judges tend either not to ask specific questions or to ask youth about other types of things.

Those youth who attend child protections hearings in Canyon County typically choose to say something to the judge while there. All of the youth who participated in the focus groups reported that had spoken to the judge at least one hearing and all but one of the youth surveyed indicated the same.

We wanted to ascertain why some youth choose not to participate during hearings or feel that they are unable to say everything they would like to. All but one of the youth surveyed reported that they were able to say everything that they wanted to during the hearing, and this youth did not indicate why she did not speak freely. Those youth who participated in the focus group, however, did offer insights into why youth do not always feel comfortable speaking up in court. Both of the younger youth we spoke with told us that they were not able to say everything they hoped to during the hearing. One explained that she felt it would take up too much time and the other reported that the judge asked her two simple questions and interrupted her when she tried to say more. A couple

of the older youth we spoke with indicated that they choose to censor what they say for fear that the judge will use their statements against them at a later date. These youth expressed a great deal of distrust in the legal system and in authority figures, possibly as the result of previous experiences with law enforcement or the courts.



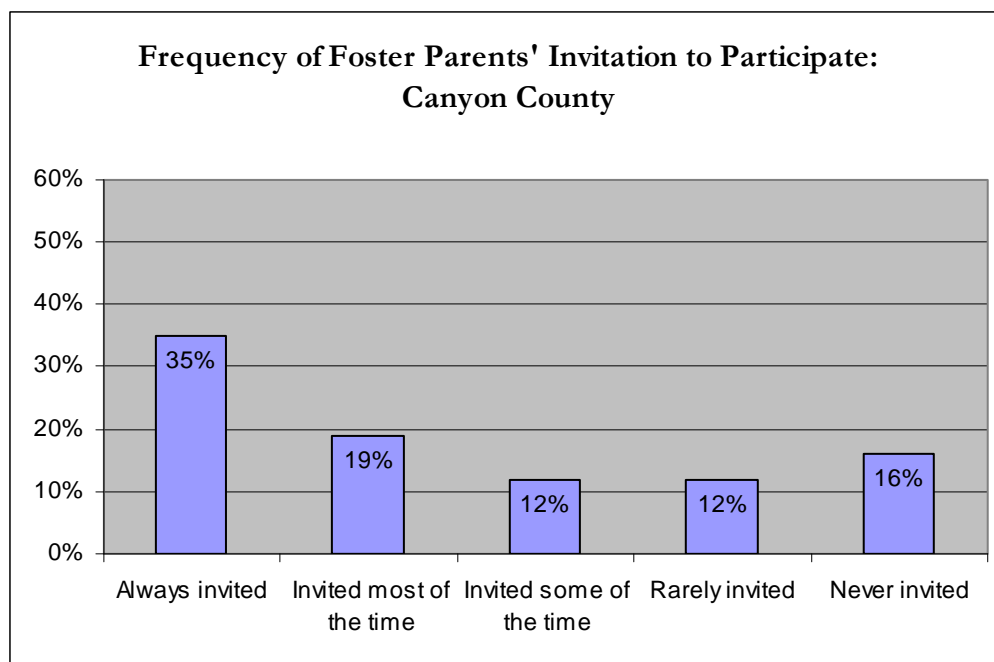
As a related matter, we wanted to know whether youth have reservations about speaking openly and honestly in court when their biological parents are present in the room. Those who we spoke with at DHW and CASA as well as at least one judge perceive that it can sometimes be an issue for youth to speak in court while their parents or foster parents are present. Many believe that this is uncomfortable or intimidating for some youth. Interestingly, all but two of the youth who participated in the focus groups reported that their parents had been present in the courtroom when they spoke to the judge and each of these youth told us that they felt comfortable with this arrangement. Though we did not specifically ask this question of those youth we surveyed, one respondent did indicate on an open-ended question that she does not want to attend hearings because she does not want to hurt her mother's feelings.

The judges in Canyon County report that they have never had a request for parents to be excused while the youth spoke to the judge. While they agree that an ex parte communication with a youth would not be appropriate under any circumstances, a couple of the judges indicated that they are open to exploring ways of accommodating youth who do not feel comfortable speaking in front of their parents, assuming that the parties would stipulate to an alternative arrangement. This is something they feel should be addressed on a case by case basis.

According to most of those we spoke with, including the youth, one major concern in Canyon County is that due to the nature of the calendaring system, youth are required to wait in the hallway for long periods of time before or even during their hearing. Youth typically miss school to attend hearings and the longer they wait for hearings, the more school they are required to miss.

They are often unsupervised and may be waiting along with other foster youth, theirs and others parents, as well as strangers. Some of the youth who participated in the focus group told us that “this is the part [they] hate the most.”

While many foster parents now attend child protection hearings in Canyon County, they are not always provided an opportunity to participate during proceedings. While over half of foster parents surveyed reported that they are always or almost always invited to participate at hearings, 23% reported that they are never invited to participate. We received similarly mixed responses from focus group participants. As previously indicated, the level at which foster parents are involved in hearings depends partly on the judge. While two of the judges typically make an effort to engage foster parents and provide them a chance to offer input, one judge does not, as a general rule, engage foster parents during hearings.

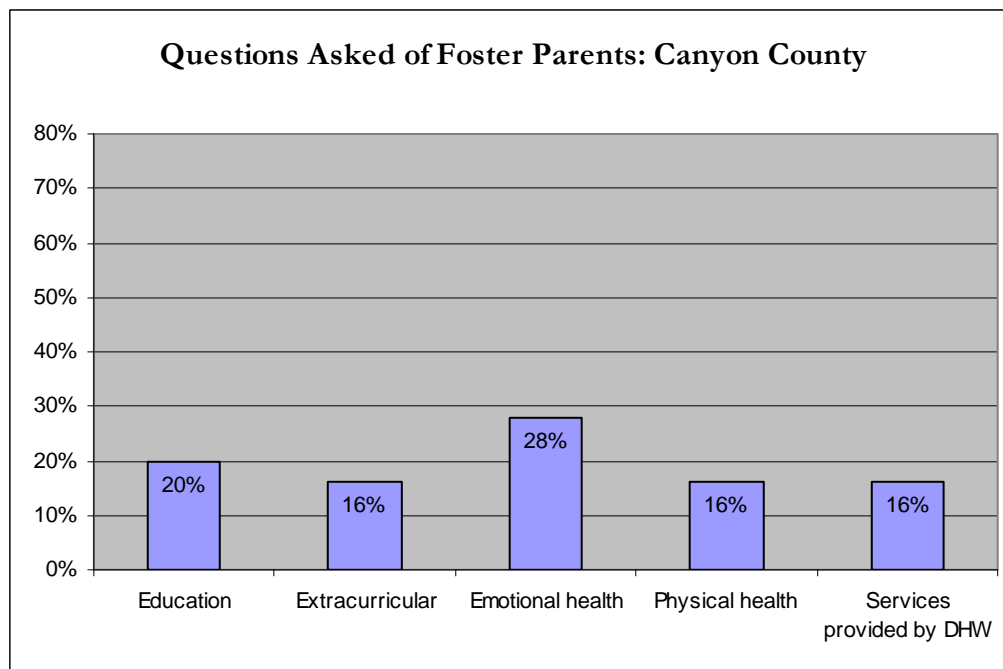


Of those foster parents who have been invited to participate, about 75% report that they always or almost always address the court when given the opportunity. While focus group participants all agreed that they are provided adequate opportunities to participate at hearings, a majority of those foster parents surveyed reported that they do not believe this to be the case. Many survey respondents indicated that they are discouraged from attending because they are not allowed to participate or that they were allowed to provide very little input at hearings that they have attended. The judges report that foster parents are generally allowed to stay in the courtroom through the duration of a hearing, though one judge expressed a willingness to excuse foster parents from the courtroom if necessary for the child to feel comfortable speaking in court. One of the foster parents we spoke with told us that she is sometimes excused from the courtroom at the request of the caseworker.

Just as we did with youth, we asked foster parents to indicate which types of questions the judge tends to ask them during hearings. We asked about the following topics:

- Their foster child’s schooling or educational needs
- Their foster child’s extracurricular activities
- Their foster child’s emotional well-being
- Their foster child’s physical Health
- Services provided by DHW

According to respondents, the majority of the time, judges do not ask foster parents about these specific topics. Less than 30% of foster parents surveyed were asked about any one of these issues. Judges are slightly more likely to inquire about the emotional well-being of the youth than any other topic. Of course, this by itself does not necessarily indicate that judges are not engaging foster parents at all, but only that judges tend not to specifically ask about these particular topics.



The Experience of Foster Youth and Foster Parents

Part of what we hoped to accomplish with this evaluation was to determine whether or not foster youth and foster parents attending hearings feel informed and involved in their cases and whether or not they believe the court takes their views and opinions into account. Though we looked to both survey and focus group data in determining this, focus groups were a particularly useful forum for gleaning this kind of feedback.

There are notable differences between the experience of younger youth and that of older youth in Canyon County. While we had only two younger youth in the focus group, they were both especially outgoing youth who appeared to be entirely comfortable speaking freely to adults. Both expressed that they were glad to have had the opportunity to go to court and were able to articulate why they believe it is a good idea for them to be there. The told us that it was important for them to be there because “it is about [them]” and because they “do not want people talking about them when they are not there.” While both youth reported that they felt the judge listened to them when

they spoke, one of the youth indicated that she wished the judge would have taken more time to speak to her and asked more questions of her. She told us that “it is the judge’s job to help my family and that includes listening to me.” Both of these youth seemed clear about their desire to attend hearings and have a good sense about why this experience might be beneficial for them. Additionally, both seemed to have at least somewhat of an understanding of their case and the outcomes of hearings they had attended.

Most of older youth that we spoke with held a much less optimistic view of their involvement in their child protection case. All expressed that they had negative experiences at court. For some of them, experience was defined mainly by the content of hearings, that is, they were upset by the types of things that had been discussed. For others, their experiences at court appear to have been shaped by previous experiences with the justice system and by a longstanding mistrust of authority. For several of these older youth, most of whom have spent a significant amount of time in the juvenile justice system, the child welfare system, or both, it is difficult to accept that the courts are looking out for their best interests. It is clear that for some youth, previous negative experiences with the courts and a general mistrust of adults in their lives prevents them from truly engaging and expressing themselves completely at their child protection hearings.

Despite these reservations, these youth nonetheless expressed an appreciation for I.J.R. 40. All agree that it is important that foster youth have an opportunity to attend their child protection hearings because it is important that youth understand what is happening with their case. All shared this perspective, even those who indicated that they would prefer not to attend hearings themselves.

Unlike the younger youth that we spoke with, and somewhat surprisingly, most of the older youth indicated that they did not always understand what is happening with their child protection cases and do not typically understand the implications of the hearings that they attend. Several expressed that they wish someone would explain to them the meaning of what is said during hearings. Moreover, they wish someone would offer to explain without them having to ask.

The level of desire that foster youth have to attend subsequent hearings in their child protection cases may indicate how beneficial previous court experiences have been. As part of the survey, we asked youth whether or not they wanted to attend court again or, in cases where they had never attended, whether they would like to. Just under half of the youth in both age groups (8-12 and 13-17) indicated that they do not want to attend future hearings. Youth offered a variety of reasons for not wanting to attend hearings, including fears that they would be reprimanded by the judge, concerns that they might hurt their parents’ feelings, and the fact that they find court to be boring.

Some foster parents offered extremely positive feedback regarding their experiences at court. A few specifically indicated that they felt the judge was considerate and fair and that they felt listened to. Most, however, report that they have not felt involved or informed or that they do not feel “heard.” For the majority of these foster parents, their largest concern is that they are discouraged from attending hearings and/or they are not allowed to participate in hearings that they do attend. Some also indicated that they are not notified of hearings or that they receive notice too late to allow them to make arrangements to attend hearings.

Most of those foster parents we spoke with or who responded to the survey are of the opinion that it is important for foster parents to attend hearings and to be involved in the process.

Many of these foster parents feel that they have critical information about their foster child's well being or about visits with the birth family and are frustrated by not having the opportunity to share this information with the judge. Furthermore, some of those we spoke with expressed that they do not always trust their GAL or caseworker to share this information with the judge and that they feel better about voicing their views and concerns themselves. The focus group participants all reported that they feel comfortable speaking up in court when allowed to.

Important Challenges and Suggestions for Improvement

We gave all survey respondents, focus group participants, and interviewees the opportunity to identify aspects of I.J.R. 40 that they find to be especially challenging and to offer suggestions for improving the implementation process. These responses in combination with the overall data were used to identify key issues or aspects of I.J.R. 40 that might benefit from further attention from the Canyon County child protection stakeholder group. These issues are discussed briefly below.

Key questions related to the invitation to attend hearings. One issue that arises frequently in conversations about I.J.R. 40, not just in Canyon County, but statewide, is that those tasked with inviting youth to attend hearings often have different opinions about the degree to which youth should be encouraged to attend. Put another way, should the invitation be as simple and straightforward as possible or should it include an explanation about the potential risks and benefits of attending hearings? Should the invitation be neutral and if so, what does a neutral invitation look like? It may be necessary to clarify this issue to ensure that youth are receiving similar messages from the various adults who may be communicating with them about their hearings. More importantly, there may be ways of helping to ensure that youth are not approached in a manner that is harmful or stressful for them.

Infrequent attendance of younger youth. As indicated previously, younger youth attend hearings much less frequently than older youth in Canyon County. This is not terribly surprising and there may be very good reasons for this given that younger youth are generally less mature and may be especially fragile. However, it may be worthwhile to explore the reasons why younger youth are not attending hearings and ways of ensuring that younger youth are provided adequate opportunities to be heard even when they choose not to attend hearings.

The need for an appropriate waiting area for youth. Youth who attend child protection hearings often have to wait in the hallway for extended periods of time before their hearing begins. This issue can be especially problematic in jurisdictions where multiple hearings are scheduled at the same time or when the court gets behind schedule. While waiting in the hallway, youth are often unsupervised and find themselves in the presence of other foster youth and parents, including their own parents. In other words, youth may be placed in very inappropriate situations. Most of those we spoke with indicated that this is a significant problem in Canyon County. The local child protection stakeholder group has recently begun to engage in problem-solving around this issue and some steps have been taken to try to alleviate the problem. Ideally, the group will continue down this path until they are able to find a workable solution.

Process for engaging youth at hearings. One critical area that could probably benefit from discussion and clarification by the stakeholder group is the process by which youth are engaged by judges during hearings. Canyon County judges vary with regard to how they approach youth in their courtroom. Of course, it is not realistic or appropriate to expect that judges will be uniform in the

style or the content of their interactions with youth. But there are several themes that emerge from the data that suggest it may be appropriate to achieve some common understanding about how to engage youth in a way that helps them to feel as safe and comfortable as possible and which allows them to have a meaningful and beneficial experience during hearings. There are a wide variety of questions that arise from this analysis. For example, to what extent, if any, should a youth's own behavioral issues be addressed during child protection hearings? How can youth be engaged in a way that differs from their experience in juvenile delinquency court? What types of questions and interactions are most likely to allow youth to feel heard and involved in their case? What process is in place for dealing with upsetting conversations or events that may occur in the courtroom?

The role of foster parents, pre-adoptive parents, and relative caregivers. While I.J.R. 40 provides that foster parents, relative caregivers, and pre-adoptive parents have a right to notice of hearings and a right to be heard, the rule does not specify what it means to be "heard" nor does it elaborate on what the role of foster parents is in these proceedings. We have found that statewide, there is no agreement about how involved foster parents should be or about how and to what extent a judge should engage foster parents at hearings. There may not be any right or wrong answers to these questions. However, given the degree of variation in foster parents' courtroom experiences and considering the number of foster parents who feel like they are not being heard, this is an area that warrants further discussion by local stakeholders.

In addition to these key issues, which seemed particularly evident from the data, those we spoke with offered a variety of suggestions for how to improve implementation of I.J.R. 40. A complete list of those suggestions are included here.

Suggestions from Foster Youth:

- Judges should not criticize youth.
- Have less people in the courtroom when youth are there.
- Allow youth to communicate with judge via email.
- Someone should explain to youth the meaning of what the judge says. Youth should not have to ask for an explanation.
- Hearings should be quicker.

Suggestions from Foster Parents:

- Provide more advance notice of hearings.
- The judge should acknowledge foster parents and specifically ask them if they have something to say.
- Give foster parents more of a voice in the process.
- Excuse the parents from the courtroom while the youth speaks to the judge.
- Caseworkers should not discourage foster parents from attending hearings.
- Provide foster parents with resources that will educate them about the court process.

Other Suggestions:

- We need to do a better job of educating youth about what their role is. They need to have more realistic expectations about what the judge can and can not do with their input.
- Get everyone on the same page about when youth should be in court and what purpose their attendance is intended to serve.

- There needs to be a waiting area for youth in the courthouse and someone to supervise youth. It was suggested by several people that student interns be recruited for this job. It was also suggested that someone explore grant funding options for facilities for this purpose.
- Judges should be consistent in confirming with the DHW that youth were invited in cases where they are not present.
- All judges should have a book cart in their courtroom.
- There needs to be more training for judges on how to engage youth.
- Judges may benefit from hints from those who know a particular youth (CASA, caseworkers) about how to best engage that youth.
- Someone needs to be trained to debrief youth after hearings. It was suggested that student interns would be good for this also.

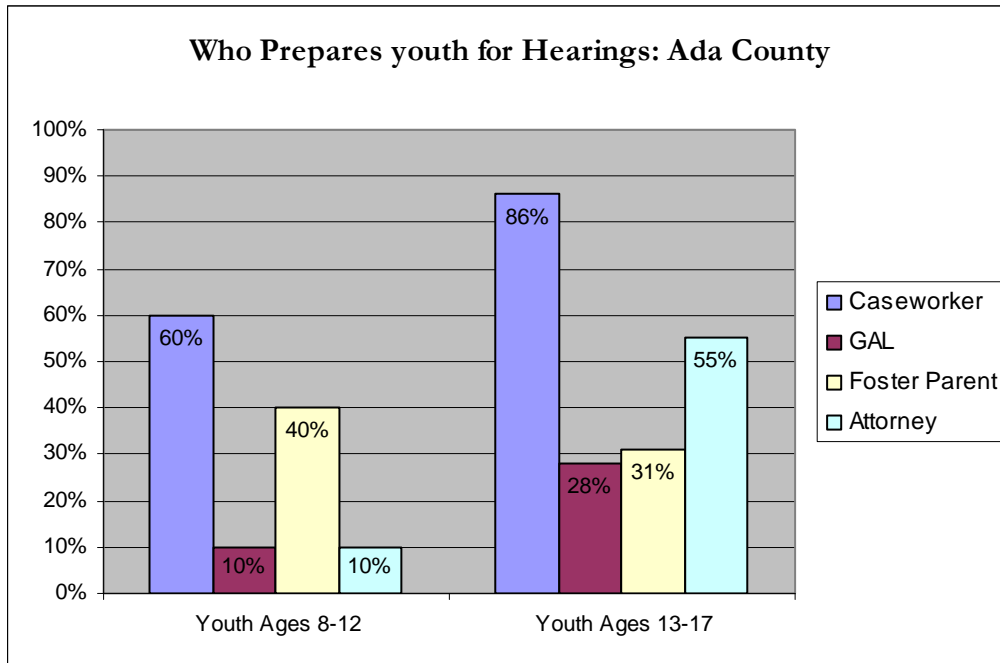
Ada County

Hearing Notification and Preparation

According to the data, most foster parents and foster youth age eight and over receive some sort of notice of post-adjudicatory hearings. Of the survey respondents, 100% of foster parents and 87% of foster youth reported that they have been receiving notification.⁸ Information gathered during focus groups and interviews suggests that while foster parents and youth may not always receive written notification from DHW, they typically do receive a verbal invitation, often from more than one source. Both caseworkers and CASA volunteers notify youth of their hearings; older youth who have been appointed counsel are also notified by their attorney. Caseworkers document in their court reports that youth were invited to attend hearings and sometimes also verbalize this to court at the hearing.

Some of the foster parents we spoke with during the focus group as well as several of those who responded to the survey indicated that caseworkers have, at times, discouraged them from attending hearings. Survey respondents reported that they have been told it is unnecessary for foster parents to attend hearings or that it would be of no benefit to attend as they would not be allowed to participate. There is some indication, however, that this practice may be changing and that caseworkers are encouraging attendance more than they once did.

The following chart shows who typically prepares youth for hearings in Ada County. Though according to those we interviewed, both caseworkers and CASA volunteers have a role in preparing



⁸ We surveyed all youth age eight and over currently in foster care. We were not able to identify those youth whose cases were new and for whom a post-adjudicatory hearing had not yet been scheduled. Therefore, it is possible that some of the youth reporting that they did not receive notice may simply have not yet been entitled to notice. Though we surveyed all foster parents in the five pilot counties, we included in our statistical analysis only those foster parents who have had a child placed in their home in the past year for a period of at least six months.

youth for hearings, the survey data indicate that caseworkers prepare youth most frequently. Those youth who are appointed counsel receive additional preparation from their attorney. DHW staff and CASA staff and volunteers report that in preparing youth, they try to present information in an age appropriate manner and tend to provide more detail to older youth. They discuss such issues as appropriate attire, questions that they judge may ask, the appearance of the courtroom and who will be present, and the possibility that parents may be handcuffed or dressed in county jail clothing. One CASA representative mentioned that she tries to ensure that youth have realistic expectations about requests that they may make of the judge. The youth's attorney addresses many of the same topics when preparing youth, but also tries to explain to the youth the purpose of the hearing and what the youth's role in the hearing will be.

Some DHW staff admitted that they sometimes struggle with knowing what information to provide youth and how to provide it in an age appropriate manner. Part of the struggle for them is that they, themselves, do not always know what to expect at hearings.

Though most of the youth we spoke to and surveyed indicated that they felt sufficiently prepared for their hearings, a few of those who responded to our survey reported that no one had prepared them for their last hearing and several offered suggestions for how to help them feel more prepared. Some indicated that they would like to have more advance notice of hearings. A few explained that they would like more time to think about or talk about their situation. A couple of youth requested that they be told what types of questions the judge might ask of them. One youth reported that he would like to meet the judge before attending his hearing.

Some DHW staff also expressed some concern about some youth being unprepared for court. The general message we received from DHW is that youth are "as prepared as they can be," but it is very difficult to adequately prepare some youth, particularly if they are younger.

Hearing Attendance

The data indicate that most foster youth in Ada County have been attending at least some of their child protection hearings, especially older youth. Of those youth who responded to the survey, 97% of those ages 13-17 and 66% of those ages 8-12 reported that they have attended at least one hearing.⁹ These data confirm the experience of those we spoke with, most of whom report that they are now routinely seeing youth in court, particularly older youth.

All agree that there is an expectation that all youth age eight and over will attend hearings unless there is a legitimate reason why they cannot be there. What is not clear is what constitutes a "legitimate" reason to what extent the decision belongs to the youth. Some of those we spoke with are under the impression that it is entirely the youth's choice. Others, however, including DHW staff themselves, indicated that caseworkers are feeling increasing pressure to make sure that youth attend whenever possible. While most of the youth we spoke with told us they felt free to decline invitations to attend hearings, one youth reported that she was under the impression she had to attend hearings. This appears to be one area requiring clarification in Ada County. In fact, both

⁹ We surveyed all youth age eight and over currently in foster care. We were not able to identify those youth whose cases were new and for whom a post-adjudicatory hearing had not yet been held. Therefore, it is possible that some of the youth reporting that they have not attended a hearing may simply have not yet had an opportunity to do so.

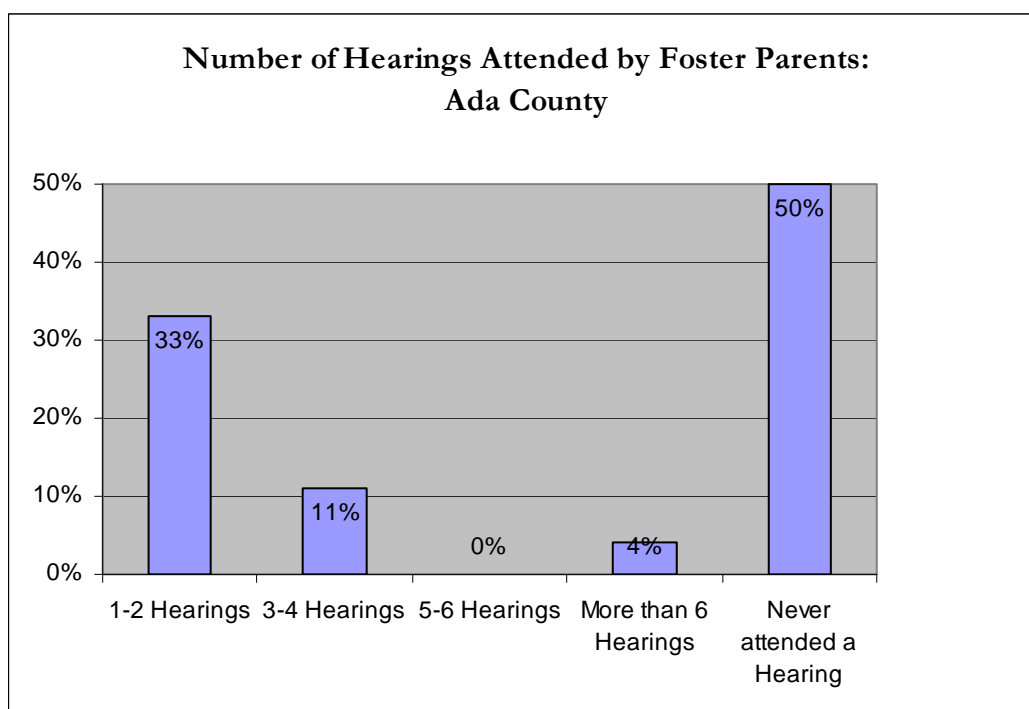
DHW and CASA representatives specifically requested additional guidance on this issue. A couple of DHW staff explained that they need clarification about how to proceed in situations where the youth is young and especially vulnerable or immature and their caseworker does not feel it is in their best interests to appear in court.

Despite the need to clarify what the expectation is in terms of youth attendance of hearings, it is clear that generally speaking, youth are extended an invitation and are given the choice of attending the hearing, writing a letter, or allowing their caseworker or GAL to make a statement on their behalf. Some youth choose not to attend. Many of those we spoke with believe that school obligations are a primary reason youth choose not to attend hearings. Also, many of the youth who responded to the survey reported that they were fearful or uncomfortable with the idea of going to court.

Occasionally, youth with severe emotional or behavioral issues are unable to attend hearings. In a situation where a youth is residing in an institution at the time of a hearing, they are sometimes allowed to join the hearing by phone.

The judges are receptive to the idea of receiving letters or written statements from youth. When youth do write a letter, a copy of the letter is distributed to all parties. Around 19% of youth surveyed have written a letter to the judge, and younger youth are only slightly more likely than older youth to choose the option of writing a letter.

Many foster parents are choosing to attend child protection hearings in Ada County, though not as frequently as foster youth. About half of foster parents surveyed have attended at least one hearing in the past year. Of these parents, over half have attended no more than 2 hearings and only 4% have attended more than 6 hearings. Few foster parents—about 16%—have ever provided the court with a written statement.



Hearing Participation

The Ada County roundtable group¹⁰ reportedly made a policy decision at some point that all youth would be allowed to remain in the courtroom for the duration of a hearing, unless someone objects. It is unclear whether this has occurred in practice, however. Some feel that there continues to be no clear policy on this issue. Apparently, the question of whether a particular youth will remain in the courtroom is addressed on a case by case basis and the judges rely on the parties for guidance. Of the youth who participated in the focus groups, only one reported that she was allowed to stay for entire hearings.

Those we spoke to expressed mixed opinions about whether or not they believe youth should be allowed to remain in the courtroom during hearings. Most, however, agreed that many older youth probably benefit from remaining present. Many expressed a belief that it is important for older youth to hear for themselves what is happening with their case and that it can be empowering for them to participate in hearings. The attorney for youth prefers for most of her clients to be present for the entire hearing and will sometimes argue for them to remain in cases where someone has objected to her client's presence.

Ada County judges always make an effort to engage youth who are present at hearings using a protocol or list of questions that was developed by the Ada County roundtable group. If a youth is going to be excused for part of the hearing, they are given an opportunity to speak at the beginning of the hearing and then excused. If the youth is to remain in the courtroom, the judge may engage them at various times during the hearing.

Though the types of information the judges seek from youth will vary by case, in order to get a better sense about what things judges typically inquire about, we asked the older survey respondents who have attended hearings to indicate whether or not the judge asked them about the following at their last hearing:

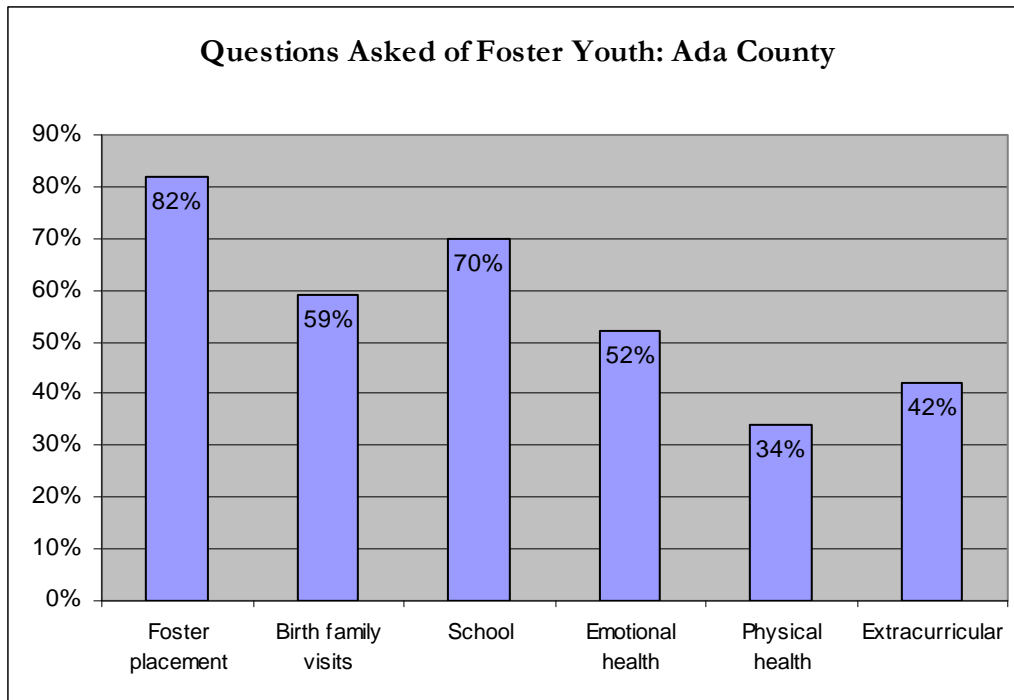
- Their foster placement
- Visits with their birth family
- School
- Emotional well-being
- Physical Health
- Extracurricular activities

These data are summarized in the chart on page 36. According to their responses, the judge asks about each of these things at least some of the time. With the exception of physical health and extracurricular activities, the majority of respondents had been asked about each of these topics at their most recent hearing. Judges are more likely to inquire about the youth's foster placement.

The data indicate that most youth who attend hearings choose to make a statement when given the opportunity, though many of them may be somewhat reserved for a variety of reasons. Of those youth surveyed, 78% of those age 8-12 and 91% of those ages 13-17 reported that they have spoken to the judge during at least one of the hearings they have attended. While 90% of younger youth reported that they were able to say everything they hoped to, only 61% of older youth

¹⁰ The Ada County Roundtable Group is a multi-stakeholder group that meets quarterly to discuss and resolve local issues related to the processing of child protection cases.

reported the same. One source indicated that older youth who are unlikely to reunify with their parents appear to be more open and expressive during hearings. Moreover, according to this source, these are the youth who tend to ask meaningful and insightful questions of the judge.

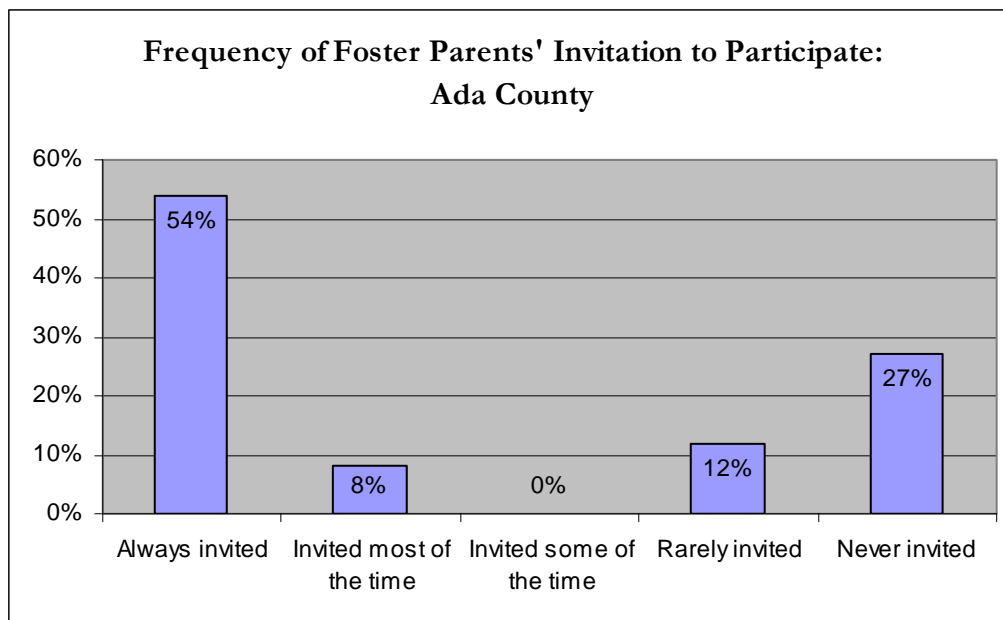


We felt it important to gain further insight into the reasons why some youth choose not to participate during hearings or feel that they are unable to say everything they would like to. Many youth indicated that they felt too scared or embarrassed to speak or that they were unsure how to articulate their thoughts. A few of the youth reported that they felt rushed or that they were interrupted before they could finish expressing themselves. A couple of youth expressed discomfort speaking to authority figures and appeared distrustful of the court, which may be related to past experiences juvenile or criminal court. Some of the focus group participants indicated that, at times, they felt more comfortable having their attorney speak for them. It is noteworthy that these responses came from youth in both age groups; that is, a fear or discomfort with speaking in court does not necessarily appear to be related to age.

As a related matter, we wanted to know whether youth have reservations about speaking openly and honestly in court when their biological parents are present in the room. Two of the older youth in the focus group reported that it was sometimes “awkward” to speak in court while their parents were present. Another participant indicated that she would speak in court if her parents were not there but had not spoken in their presence because she did not want to upset them. Other youth, however, reported that they prefer that their parents are present because it gives them an opportunity to see and speak with them. Those youth who responded to our survey had very similar things to say. A couple of participants told us that while they do not mind speaking in front of their biological parents, they are uncomfortable speaking freely in front of their foster parents for fear that they will face consequences for what they say.

Ada County judges feel strongly that ex parte communication with youth is never an appropriate option. Apparently, only rarely does someone request that parents be excused while a youth speaks with the judge. In these situations, this is only allowed in the presence of counsel.

Like foster youth, foster parents are attending court with greater frequency, though their role and their level of involvement seems to be less clear. As shown in the following chart, while most foster parents reported that they are always or almost always invited to participate at hearings, 39% reported that they are rarely or never invited to do so.



Nearly 90% of foster parents indicated that they always or almost always participate when given the opportunity. The foster parents we spoke with expressed a strong desire to offer input to the court and a belief that they are in a unique position to offer insight into the youth's situation. For instance, many feel that have firsthand knowledge about how the youth responds to visits with birth family.

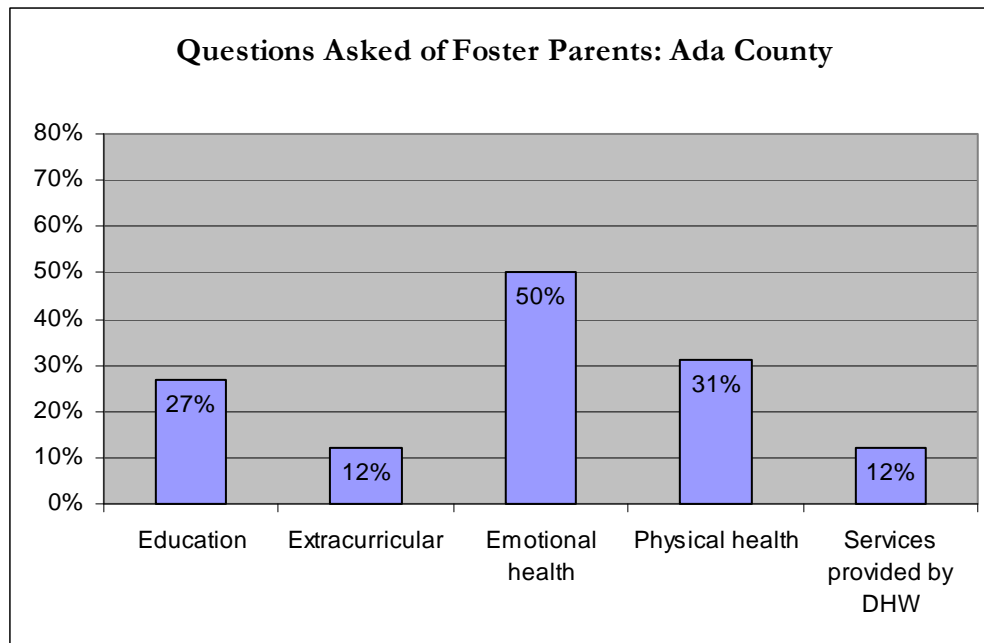
The judges report that they always acknowledge and engage foster parents at the start of a hearing. However, we received mixed responses from foster parents surveyed as well as those we spoke with during focus groups. Though 54% of survey respondents reported that they are always invited to participate during hearings, 27% reported that they are never given the opportunity to speak at hearings. Similarly, about half of focus group participants reported that they had never been asked to provide input at hearings. Just over half of survey respondents indicated that they do not feel they are given adequate opportunities to participate at hearings.

Just as we did with youth, we asked foster parents to indicate which specific topics the judge inquired about while addressing them in court. We asked about the following topics:

- Their foster child's schooling or educational needs
- Their foster child's extracurricular activities
- Their foster child's emotional well-being

- Their foster child’s physical Health
- Services provided by DHW

Responses are summarized in the table below. According to respondents, judges typically do not specifically inquire about the topics listed above. Of course this by itself does not necessarily indicate that judges are not engaging foster parents at all, but only suggests that judge tend not to specifically inquire about these particular issues.



While some of those we spoke with assume that foster parents should be allowed to stay for the entire hearing, others are of the opinion that foster parents do not have standing to remain in the courtroom. Only one focus group participant indicated that she has been allowed to remain in the courtroom for entire hearings.

The Experience of Foster Youth and Foster Parents

Part of what we hoped to ascertain while conducting this evaluation is whether or not foster youth and foster parents attending hearings are benefitting from their experiences. More specifically, we wanted to know whether foster youth and parents feel informed and involved and whether or not they believe the court takes their views and opinions into account. The focus groups were a particularly useful forum for gleaning this kind of feedback.

Only one youth attended the focus group for younger youth in Ada County. He did not express any strong opinions about his experiences in court or about I.J.R. 40. He did report, however, that he felt comfortable at court, that he would like to go to court again in the future, and that he thought it was important for him to attend hearings so that he had an opportunity to “tell the judge what is going on.”

The older youth we spoke to were much more expressive about their experiences in court, but conveyed some mixed messages. In general, they indicated that they did not feel like they were benefitting from attending hearings. Many expressed that they saw “no point” in attending hearings. One youth explained her position this way: “Going to court is like having someone pull out a strand of your hair and then asking you how your hair looks different.” On the other hand, most of these youth were able to clearly articulate the benefits of having youth attend hearings, in the abstract. One participant explained that it can be satisfying to have the judge explain what is happening in their case. Several agreed that it is important for youth to receive information firsthand rather than having someone else relay it to them.

One theme that emerged during this focus group is that youth feel a tremendous amount of distrust towards adults in their life and particularly towards authority figures. Many of them do not trust others to relay their message to the court nor do they trust others to tell them the full truth about what is happening in their case. Similarly, they do not necessarily feel safe sharing their thoughts, feelings, and experiences with the court. A couple of the youth we spoke with expressed a fear that they might “get in trouble” with the judge if they are honest in court. Two of the youth we surveyed had similar things to say. One of them indicated that at her last hearing, she was made to feel like she was not important and that it was her fault she was in foster care.

The desire (or lack thereof) of foster youth to attend subsequent hearings in their child protection cases provides some indication of how beneficial previous court experiences have been. As part of the survey, we asked youth whether or not they wanted to attend court again (or, in cases where they had never attended, whether they would like to). Sixty percent of youth ages 8-12 and 72% of youth ages 13-17 reported that they would like to attend again, which suggests that youth are benefitting from their experiences, perhaps in ways that they do not recognize or are not able to articulate. Many of those who reported that they do not want to go to court again indicated that it was “boring” or “uneventful” or that they felt it was unnecessary for them to be there.

Although responses from foster parents in Ada County were varied, it is clear that many do not feel heard nor engaged in the process. Many feel that they have been discouraged from participating and are left largely uninformed about what is happening in their foster child’s case, which, from their perspective, makes it difficult to attend to the child’s needs. Moreover, many foster parents believe that they have important information about the child that could come from only the child’s caretaker and do not necessarily trust caseworkers or GALs to relay their message to their court.

To be sure, not all foster parents want to participate in court hearings and choose to have minimal involvement in their foster child’s case. Some foster parents report that they are perfectly comfortable waiting in the hallway during hearings or not attending at all. Furthermore, some feel comfortable reporting to the court via a caseworker or GAL.

Important Challenges and Suggestions for Improvement

We gave all survey respondents, focus group participants, and interviewees the opportunity to identify aspects of I.J.R. 40 that they find to be especially challenging and to offer suggestions for improving the implementation process. These responses in combination with the overall data were used to identify key issues or aspects of I.J.R. 40 that might benefit from further attention from the Ada County roundtable group. The following issues were identified:

Deciding whether youth will attend hearings. There may be a need to clarify what they expectation is in terms of youth attending hearings. Specifically, how much discretion does the youth have in making the decision about whether not to attend? Those who have the role of inviting youth to attend could benefit from guidance on how much encouragement to offer and what constitutes a “legitimate” reason for missing a hearing. Along these same lines, what is the process for deciding whether a particular youth will attend and what is the role of caseworkers, GALs, and the child’s attorney in this process?

Creating a more meaningful experience for youth. It is evident that, up to this point, the court experience has lacked real meaning for a lot of youth. There are probably a variety of reasons for this. It may have something to do with the way that youth are prepared for hearings or the way in which they are engaged during hearings. It may be a function of the anxiety and discomfort that youth experience while in the courtroom. It may relate to the youth’s past experiences with courts and with the child welfare system, which have impacted their level of trust towards adults in their lives. It also may be the case that there are inherent limitations on how meaningful this experience can be for foster youth. Nonetheless, given the number of youth who report feeling disengaged and powerless, it may be worth exploring ways of making the experience more meaningful for youth.

Distinction between child protection case and delinquency issues. Child protection cases resulting from Rule 16 expansions or otherwise involving youth with delinquency issues present unique challenges. The circumstances in these cases may be particularly complicated and it may be difficult to disentangle the delinquency issues from the child protection issues. There may be good reasons for treating them separately however. Many of those we spoke with expressed a concern that, at times, hearings center around the behavioral problems of the youth rather than the parents’ progress on the case plan. The experiences of some of the youth who participated in this study seem to support this. Several of them reported being reprimanded or criticized during hearings or expressed fear that they will be in trouble with the judge for behaviors that they have exhibited while in foster care. These youth are hesitant to attend and participate at future hearings as the result of these experiences. Moreover, because many of these youth have had prior experiences with the juvenile justice system, it may be especially difficult for them to distinguish between the purpose of a delinquency hearing and a child protection hearing.

In addition to these key issues, which seemed particularly evident, those we spoke with offered a variety of suggestions for how to improve implementation of I.J.R. 40. A complete list of those suggestions are included here.

Suggestions from Foster Youth:

- Provide youth with alternative means of participating at hearings. Focus group participants suggested using Skype or allowing youth to record a message to be played at court.
- Prior to hearings, inquire of youth whether they would like to speak to the judge outside of the presence of their parents.
- While in court, refer to them by name rather than as “the youth” or “the child.”
- Allow youth to be in the courtroom for the entire hearing.
- Inform youth who the parties are.
- Treat youth with more respect and courtesy in court.

Suggestions from Foster Parents:

- Nearly all of the suggestions received from foster parents related to their desire to be more involved and have more opportunities to provide input to the court.
- Allow foster parents to submit letters to the court
- Provide foster parents with adequate notice of hearings.
- Include foster parents as part of the “team” that is working to achieve permanency for the youth in their care.

Other Suggestions:

- Ensure that visiting judges who hear child protection cases are trained in this area. Try to ensure that youth are given an opportunity to participate at hearings even when a visiting judge is presiding.
- Provide additional training to caseworkers and to CASA volunteers regarding how to invite and prepare youth for hearings.
- Ask fewer yes/no questions and more open-ended questions of youth during court so that they feel free to say whatever they need to.
- Facilitate more personal, less formal interaction between the judge and the youth. Having hearings in smaller courtrooms helps some.
- When youth are in the courtroom, all parties should use caution not to say things that may be harmful or inappropriate for the youth to hear.
- Provide a separate waiting area for youth (we understand this is already being addressed in Ada County)
- Clarify the role of the GAL and that of the youth attorney and the differences between the two.
- Add a mandatory court component to the PRIDE training to help foster parents better understand the court process and the importance of their involvement.

Jerome County¹¹

Hearing Notification and Preparation

According to the data, both foster parents and foster youth in Jerome County consistently receive notification of child protection hearings. All foster parents and all but one youth reported that they receive notification of hearings, with rare exceptions.¹² Typically, foster parents and foster youth receive both written notification and verbal notification from their caseworkers and sometimes from their GAL as well.

While it appears as though DHW has been consistent about notifying everyone about hearings, both foster parents and foster youth indicated that they do not always feel very informed about the purpose of a particular hearing or what is happening in their case more generally. Some foster parents feel like they often have to be the one to take the initiative to learn about a particular hearing or situation.

Both the DHW and CASA assume the role of preparing youth for their hearings, and they generally work together in doing so to make sure that they are both on the same page in terms of how they approach a particular youth. Though youth did not specifically indicate that they feel unprepared for court, some of the feedback they provided seems to suggest otherwise. Most youth expressed feelings of discomfort and anxiety at being in the courtroom, and there is some indication that better preparation may have alleviated some of these feelings. One youth expressed a desire to have some time to relax and a chance to speak with someone about the hearing beforehand. Another requested that someone be present to walk through the steps of the hearing with them. Additionally, the youth that we spoke with report that they generally do not understand the purpose of the hearing nor why they should attend.

Hearing Attendance

Five of the six youth who responded to the survey reported that they have attended at least one hearing. The one youth who has not attended a hearing falls in the younger age category (age 8-12).¹³ While those we spoke with report that youth are attending hearings with increasing frequency,

¹¹ Due to the size of Jerome County and the small child protection caseloads handled by the local courts, our sample size of both foster parents and foster youth was small; we had just six surveys returned for each group. Input from these respondents is, of course, valuable and informative, but we are limited in how much we can infer about the larger population of foster youth and foster parents in Jerome County.

¹² We surveyed all youth age eight and over currently in foster care. We were not able to identify those youth whose cases were new and for whom a post-adjudicatory hearing had not yet been scheduled. Therefore, it is possible that some of the youth reporting that they did not receive notice may simply have not yet been entitled to notice. Though we surveyed all foster parents in the five pilot counties, we included in our statistical analysis only those foster parents who have had a child placed in their home in the past year for a period of at least six months.

¹³ We surveyed all youth age eight and over currently in foster care. We were not able to identify those youth whose cases were new and for whom a post-adjudicatory hearing had not yet been held. Therefore, it is possible that some of the youth reporting that they have not attended a hearing may simply have not yet had an opportunity to do so.

many youth choose not to go to court. The judges both estimate that youth attend hearings about half the time.

While caseworkers and GALs strongly encourage youth to attend, by their accounts, it is ultimately up to the youth to decide whether to attend a hearing. It is not clear whether all youth fully realize that it is their decisions, however. A couple of youth reported that they feel a lot of pressure to attend hearings; one indicated that she once tried to decline an invitation to attend but was pressured into attending.

When youth are invited, they are given the option of attending the hearing in person, participating by telephone, or writing a letter. DHW staff report that some youth prefer not to attend hearings for a variety of reasons. Some do not want to miss school, others feel too frightened or intimidated, and some choose not to attend because previous hearings left them feeling bored and indifferent. Our focus group discussion with youth confirmed that hearings can be either stressful or boring for youth. Two of the youth surveyed reported that they have written letters to the judge. According to the judges, in cases where youth choose to write letters, copies are provided to all parties, and they are sometimes read in to the record as well. To date, just one youth has chosen to participate by phone.

Of the six foster parents that we surveyed, all had attended at least one hearing and two reported that they have attended more than six hearings in the past year. The impression that we got from speaking to stakeholders in Jerome County is that there is a small group of foster parents who are active and tend to be highly involved in their foster youths' cases. These foster parents are the most likely to attend hearings routinely. On the other hand, there are many foster parents that choose not to attend or cannot attend because they have full schedules, work full time, or live in another county.

Several of those we spoke with indicated that in Jerome County, travel time and distance is a significant barrier to foster youth and parents attending hearings. Youth with court cases in Jerome County are placed in homes throughout the district as the number of foster homes within Jerome are limited. This makes it challenging for both foster parents and caseworkers to transport youth to hearings.

Hearing Participation

The decision about whether a particular youth will remain in the courtroom for the duration of the hearing is made on a case by case basis. Generally, the judges are prepared to allow youth to remain present unless someone objects or it is brought to their attention that there are sensitive issues to be discussed during the hearing. All of the youth who participated in the focus group indicated that they had been allowed to remain in the courtroom for the entire hearing at least some of the time. Occasionally, in cases where the youth has been excused into the hallway, the judge will invite them back into the courtroom for the ruling.

Those we spoke with expressed mixed feelings about the idea of having youth present for the full duration of hearings. Most agree that it can be beneficial for some youth to hear for themselves the types of issues being discussed in their case and to have firsthand knowledge of why certain decisions are made. However, many also believe that it may be inappropriate for some

younger youth to be exposed to these discussions or that the adults in the courtroom may censor themselves or withhold critical information in an effort to protect the youth.

Both judges report that they always try to engage youth who are present at hearings by acknowledging them and asking them if they would like to say anything. Youth typically do choose to participate at some level. All of the youth that we surveyed and spoke with during the focus group reported that had spoken at their hearings. It is evident, however, based on feedback from both the youth themselves and from other stakeholders in Jerome County, that youth tend to feel relatively disengaged during hearings. There are likely a variety of reasons for this, but the data indicate that youth are often hesitant to participate fully during hearings because they feel intimidated, fearful, or embarrassed.

Although the types of information judges seek from youth will vary by case, in order to get some sense about what questions judges tend to ask youth, we asked the older survey respondents who have attended hearings to tell us whether or not the judge asked them about the following at their last hearing:

- Their foster placement
- Visits with their birth family
- School
- Emotional well-being
- Physical Health
- Extracurricular activities

Most youth reported that the judge has, at some point, asked them about their foster placement and about school. However, only one youth reports ever being asked about the other topics listed.

We felt it important to gain some insight into the reasons why some youth choose not to participate during hearings or feel that they are unable to speak as candidly as they would like. Most of the youth surveyed indicated that they were able to say everything they wanted to during hearings. One of the two youth who reported otherwise explained that she did not want to risk hurting anyone's feelings. Though focus group participants were not specifically asked this question, some of what they expressed to us provides some insight into this issue. When asked to describe their experience in court, these youth told us that it was 'scary,' that they felt "stressed out," or that "it was embarrassing to talk in front of all those people."

As a related matter, we wanted to know whether youth have reservations about speaking openly and honestly in court when their biological parents are present in the room. The youth that we spoke with reported that they have never felt uncomfortable having their parents present in the courtroom while they spoke. Many of the other stakeholders we spoke with perceive that it can be intimidating for youth to speak in the presence of their parents or that youth may not speak as freely as they otherwise would when their parents are listening. The judges report that they try to be sensitive to this issue and are willing to excuse parents from the courtroom while the youth speaks, providing that all parties are in agreement. One judge reported that he will sometimes ask the youth directly whether he/she is comfortable having their parents in the room before giving them an opportunity to speak.

Several of those we spoke with indicated that a primary concern in Jerome County is that youth often have to wait in the hallway for long periods of time before their case is heard. Though the youth themselves did not appear particularly bothered by this, others expressed concerns about youth being exposed to inappropriate situations while waiting, particularly in cases where an abusive parent is involved. Youth are frequently unsupervised in this situation as their caseworker and/or GAL may need to remain in the courtroom for other hearings.

When foster parents attend hearings, judges generally acknowledge them and may try to engage them. It is not clear how extensive or consistent foster parent participation is in Jerome County, however. Foster parents offered mixed responses on this topic. Of those surveyed, all reported that they always participate during hearings when given the opportunity. However, four respondents indicated that they are never or rarely given a chance to speak at hearings. Similarly, of the three foster parents that we spoke with during the focus group, one reported that he has participated at hearings, but two indicated that while the judge has acknowledged them in court, they have never been asked to say anything. The parent who reported that he has participated explained that he had to take the initiative, that is, he stood up in court and asked to be heard. Three of the five foster parents responding to the survey indicated that they do not believe they are given adequate opportunities to be heard at hearings.

Just as we did with youth, we asked foster parents to indicate which specific topics the judge inquired about while addressing them in court. We asked about the following topics:

- Their foster child's schooling or educational needs
- Their foster child's extracurricular activities
- Their foster child's emotional well-being
- Their foster child's physical Health
- Services provided by DHW

Each of the six foster parents who responded to this question reported that the judge has never specifically inquired about any of these topics. Of course, this does not by itself suggest that judges do not interact with parents at all during hearings. It could indicate that when judges do engage foster parents, they tend to ask about other issues.

The Experience of Foster Youth and Foster Parents

In conducting this evaluation, part of what we wanted to determine is whether or not foster youth and foster parents attending hearings are benefitting from their experiences. We wanted to ascertain whether foster youth and parents feel informed, whether they feel engaged in the process, and whether they believe the court takes their views and opinions into account.

The youth that we spoke with did not have a lot of positive feedback to offer about their experiences at court. The youth described the experience as scary, uncomfortable, and embarrassing. We received similar feedback from some of the youth who responded to our survey. Some of their discomfort may be related to the fact that they do not always feel prepared for hearings and are unsure what to expect.

It is clear that up to this point, youth have not been engaging at a meaningful level, nor do they feel involved in their cases as the result of attending hearings. Furthermore, it does not appear

as though the experience has contributed much to their understanding about their case or about the child protection process in general.

The youth were generally receptive to the idea of youth attending child protection hearings, so long as it is left entirely up to the youth to decide whether or not to attend hearings. However, those we spoke with did not express any interest in attending any more hearings themselves. When asked to explain why, they told us that hearings are “boring,” “scary,” or “stupid.” One participant, “all you do is sit there and people talk.” Of those youth surveyed, half indicated that they would like to attend future hearings.

Similarly, the feedback that we received from foster parents suggests that they generally do not feel heard by the court or involved in the process. Those we spoke with expressed a great deal of frustration over being the one “player” whose input is generally not sought during hearings. They describe feeling “at odds with the court” and left out of “the team.”

Many of those foster parents who attend hearings are anxious to participate by providing the judges what they feel is critical information about the youth in their care. However, not all foster parents feel comfortable initiating conversation with the judge during hearings and will not speak during hearings unless they are asked to. Many would like for the judge to acknowledge them and ask them specific questions or ask them directly whether they have anything to say. A few foster parents also expressed that they would like to have the option of submitting a letter or written statement. This might be an especially helpful option for those foster parents who live in another county.

Important Challenges and Suggestions for Improvement

We gave all survey respondents, focus group participants, and interviewees the opportunity to identify aspects of I.J.R. 40 that they find to be especially challenging and to offer suggestions for improving the implementation process. These responses in combination with the overall data were used to identify key issues or aspects of I.J.R. 40 that might benefit from further attention from the Jerome County child protection stakeholder group. These issues are discussed briefly below.

Challenges related to distance and transportation. Jerome County is unique in that due to its rural character, youth are often placed in foster homes in other counties in the region. It can be difficult for foster parents and foster youth to travel the distance required to attend hearings, especially when attendance requires time away from work or school. In addition, it can be a burden for caseworkers who are required to provide transportation for youth when foster parents are unable to. It may be especially important that foster parents and youth are provided alternative means of being “heard” in these situations. Youth in Jerome are currently given the option of writing a letter and have, on occasion, been allowed to join hearings by phone. It may be worth exploring this practice further to ensure that these options are being utilized to the extent necessary. The local stakeholder group might also discuss whether it is appropriate to extend similar options to foster parents under some circumstances.

The need for an appropriate waiting area for youth. Several people expressed concerns about youth waiting for hearings in the hallway, often unsupervised, and potentially while in the presence of parents and other foster youth. This is especially problematic in cases where abusive parents

could be waiting in the hallway along with youth. It may be worthwhile to explore ways of minimizing the wait time and/or providing a safer and more appropriate environment for youth.

The role of foster parents. While I.J.R. 40 provides that foster parents, relative caregivers, and pre-adoptive parents have a right to notice of hearings and a right to be heard, the rule does not specify what it means to be “heard” in this context nor does it elaborate on what the role of foster parents is in these proceedings. Statewide, there is no agreement about how involved foster parents should be or the extent to which judges should engage foster parents during hearings. To this point, it has been left to individual counties to decide how to extend this right to be heard to foster parents. This may be a good topic of discussion for Jerome’s stakeholder group given what local foster parents have shared with us about their experience so far.

Preparing youth for the courtroom environment. When we asked youth directly whether they felt prepared for their hearings, nearly all indicated that they did. However, several youth provided feedback that suggests they might benefit from additional preparation. Specifically, it might be helpful for them to anticipate what the courtroom will look and “feel” like and to think through what it might be like to speak in that type of environment.

Creating a more meaningful experience for youth. Though youth are attending hearings with greater frequency and typically choose to participate during hearings, it is clear that this experience is not always meaningful for them. Though we heard from a very small sample of Jerome County youth for the purposes of this study, those who we did hear from do not feel heard nor informed about their case. They appear to be disengaged from the process. In other words, they do not appear to be benefitting from the experience of attending hearings. There may be a variety of reasons for this. It may be partly a function of the way that youth are prepared for hearings or the way that they are engaged during hearings. It may be due to the level of discomfort that youth feel while in the courtroom or the levels of distrust that they feel as the result of past experiences. In any case it may be worthwhile to explore these reasons further in order to determine whether steps can be taken to make the experience more meaningful for youth.

In addition to these key issues, which seemed particularly evident from the data, those we spoke with offered a variety of suggestions for how to improve implementation of I.J.R. 40. A complete list of those suggestions are included here.

Suggestions from Foster Youth:

- Have someone talk to youth about hearings beforehand
- Have someone at hearings that can walk through the steps with youth
- Have something for youth to do while waiting at the courthouse.
- Allow youth to come into hearings, speak, and then leave.

Suggestions from Foster Parents:

- Would like to receive written confirmation of hearings.
- Judges should ask more questions of foster parents.
- Judges should ask foster parents directly if they have anything to say.
- Foster parents should be given the option of writing letters

- Foster parents need to be better informed about what is happening in their foster youth's case.

Other Suggestions:

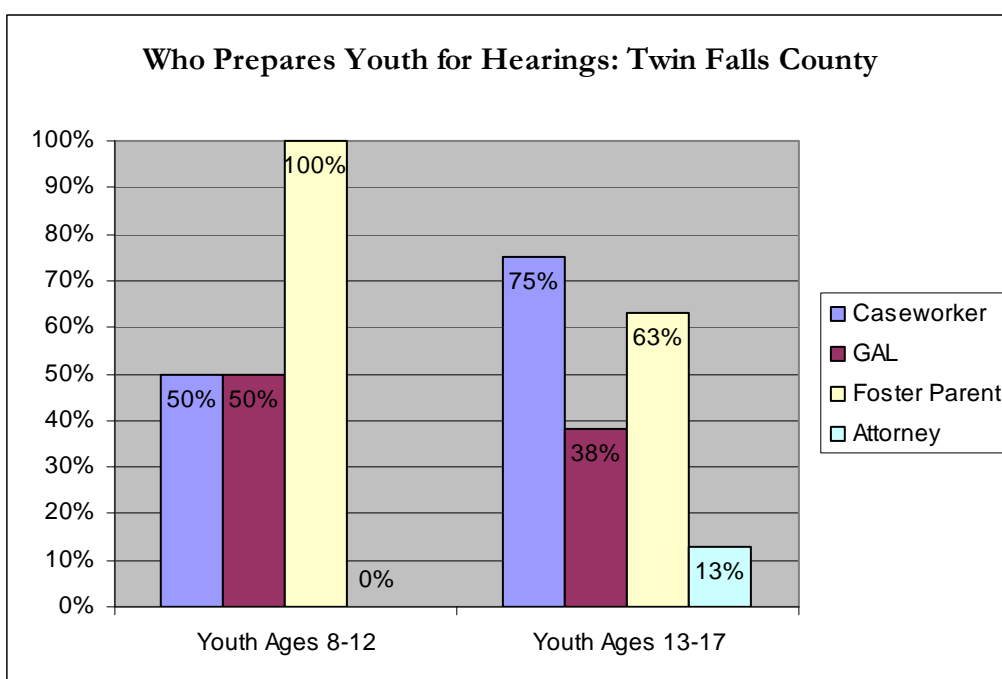
- All involved need to do a better job of ensuring that youth feel involved and truly understand what is happening with their case.
- Explore ways of better preparing youth for what the court's expectations are and what the youth's role will be at hearings.
- Notify the judge ahead of time if there are sensitive issues that may arise during hearings and whether or not the youth or the parents may need to be excused for a portion of the hearing.
- The decision about whether a particular youth should attend a hearing should be based partly on the youth's wishes, but also on what the youth's caseworker, GAL, foster parents, etc. know to be best for him/her.

Twin Falls County

Hearing Notification and Preparation

The data show that in general, foster youth and foster parents consistently receive notification of post-adjudicatory hearings in Twin Falls County. Typically, foster parents receive both verbal and written notification, though not always. Foster youth do not always receive written notification, but are usually notified verbally by their caseworker and sometimes by their GAL as well. All of the foster parents that we surveyed and spoke with during the focus group reported that they receive some form of notification. All of the foster youth we spoke with during focus groups and 75% of those surveyed report that they receive some form of notification.¹⁴ Caseworkers indicate in their court reports that notice was given to youth and whether or not the youth is expected to attend. Judges will sometimes confirm this on the record as well.

As shown in the chart below, the survey data indicate that several adults have a role in preparing youth for hearings. Interestingly, according to respondents, the role of foster parents is most prominent; overall foster parents prepare youth with greater frequency than either GALs or caseworkers, though this is particularly true for younger youth.



According to those we spoke with at DHW and CASA, youth are told what the purpose of the hearing is, that they have the option of attending, and that they will have an opportunity to speak to the judge. Some DHW staff indicated that even when they do everything they can to prepare youth for court, it is very difficult to ensure that youth feel entirely comfortable. Most youth report

¹⁴ We surveyed all youth age eight and over currently in foster care. We were not able to identify those youth whose cases were new and for whom a post-adjudicatory hearing had not yet been held. Therefore, it is possible that some of the youth reporting that they have not attended a hearing may simply have not yet had an opportunity to do so.

that they feel well prepared for their hearings, though a few offered suggestions for how to help them feel more prepared, such as providing more advance notice and informing them what questions the judge might ask at the hearing.

Hearing Attendance

Older youth are much more likely to attend hearings than younger youth in Twin Falls County. While 69% of youth ages 13-17 that we surveyed reported that they have attended a child protection hearing, just 18% of youth ages 8-12 reported the same.¹⁵ It is not entirely clear why younger youth do not attend court as often, however, several of the younger youth that were surveyed as well as a couple of younger focus group participants indicated that they were extremely fearful of court. Additionally, many DHW staff that we spoke with expressed a lot of reservations about having younger youth in court, given the susceptibility of these youth to further trauma and feelings of guilt. According to the data, however, younger youth are not necessarily more likely than older youth to be fearful.

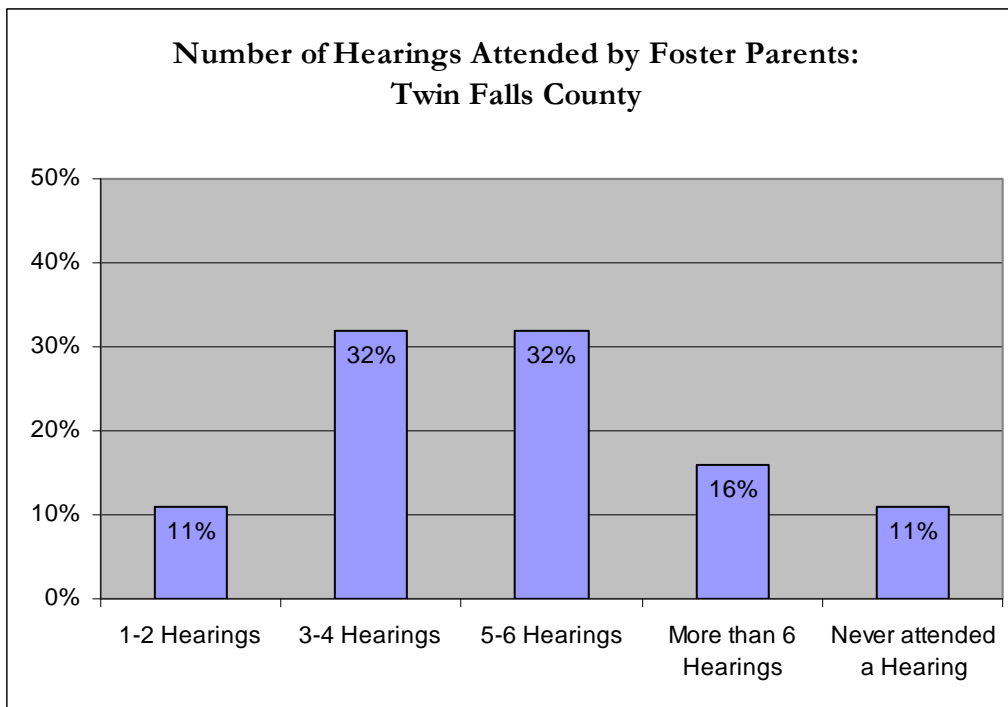
Youth are always given the option of writing a letter to the judge in the event that they are unable to or choose not to attend a hearing. Many youth choose to exercise this option. Thirty-three percent of youth ages 8-12 and 21% of youth ages 13-17 reported that they have written a letter. Additionally, four of six younger focus group participants and one of eight older focus group participants had done so. Letters and written statements are typically read into the record during the hearing, unless someone requests that they not be, in which case copies are provided to all parties. Letter writing may be an important option for youth who live outside of Twin Falls County. We are told that there are many such youth and that it is especially difficult for these youth to travel into Twin Falls for hearings.

Though DHW staff report that they are very “enthusiastic” and “encouraging” when they invite youth to attend hearings, it is left up to each youth to decide whether or not to go to court. All of the youth that we spoke with indicated that they felt free to accept or decline the invitation to attend hearings. There may be occasional exceptions to this in cases where the youth is especially immature, emotionally unstable, or has significant developmental delays or mental health issues. In these cases, caseworkers consult with GALs, counselors, and foster parents to make a decision about whether the youth should attend.

It is clear that DHW and CASA could benefit from clarification about what the expectation is with regard to providing younger and/or emotionally unstable youth the right to be “heard.” Many of those we spoke with are uncertain how much discretion caseworkers and GALs have in making a determination about whether a youth should attend hearings and both requested more specific guidance on this issue. DHW staff is under the impression that there is generally an expectation that youth age eight and over attend hearings and that it is their responsibility to ensure this happens unless there is some readily apparent reason why a youth cannot or should not be there

¹⁵ We surveyed all youth age eight and over currently in foster care. We were not able to identify those youth whose cases were new and for whom a post-adjudicatory hearing had not yet been held. Therefore, it is possible that some of the youth reporting that they have not attended a hearing may simply have not yet had an opportunity to do so.

Most foster parents in Twin Falls County have attended child protection hearings. Ninety percent of those surveyed reported that they have attended at least one hearing, and nearly half reported that they have attended five or more hearings. These data are presented in greater detail below.



We inquired with foster parents surveyed about the reasons why they do not attend hearings. A few indicated that they have work or other scheduling conflicts and a couple reported that they were not notified of hearings until after the fact. Thirty-two percent indicated that they have, at some point, expressed their views to the judge via letter or written statement.

According to many of those we spoke with, one of the greatest concerns associated with having youth and foster parents attend hearings in Twin Falls is that they often have to wait for hearings in a crowded hallway for extended periods of time. Both foster youth and foster parents indicated to us that this can be problematic for them. Waiting in the hallway with other foster parents and youth, biological parents, and others who happen to be at the courthouse can be uncomfortable or frightening, especially for younger youth or for youth who have been abused by their parents. As one foster parent put it, “it is crazy out there in that hall.” Because the calendaring system in Twin Falls is such that several hearings are set at the same time, the waiting periods can be lengthy. Judges have reportedly begun hearing cases for which youth are present first, which helps to alleviate this problems to some degree.

Hearing Participation

The practice in Twin Falls County is that youth are allowed to remain in the courtroom for the entire hearing, and are given an opportunity to address the court after everyone else has spoken. One judge explained to us that that by having the youth speak last, others are prevented from

criticizing or responding negatively to what the youth has said. Only occasionally, a judge will ask the youth to speak first and then excuse them from the courtroom. This occurs in cases where the judge has been made aware that sensitive issues may come up during the hearing.

In general, those we spoke with agree that while there are exceptions, most youth benefit from being present at the entire hearing because it allows them to hear for themselves what is being discussed about their case. Similarly, some of the youth that we spoke with indicated that they prefer to hear what is said at court even if it is difficult and painful. One added that she does not trust others to relay what occurred during a hearing and prefers to have firsthand knowledge.

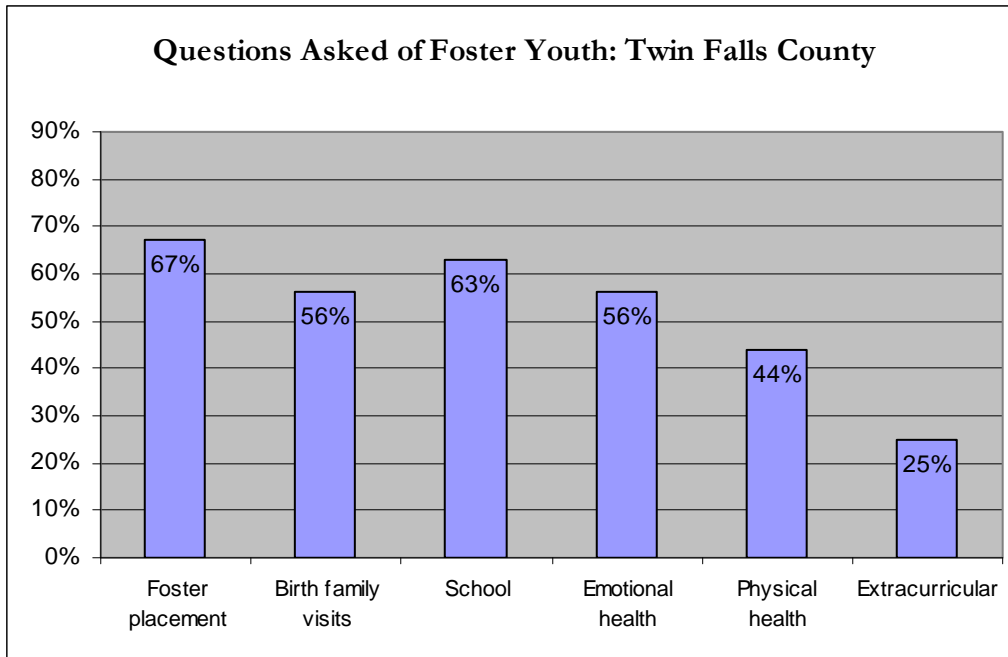
Though caseworkers, GALs, and attorneys try to forewarn judges when sensitive issues may arise during a hearing, it is not always possible to anticipate when this might happen. A couple of the youth reported that they become upset enough during a hearing that they broke down crying and wished to leave. Also, several respondents told us about one case in which the youth became so distraught as the result of something that was said that the judge was forced to call a recess.

Although the types of information judges may seek from youth will vary by case to some degree, we wanted to get some sense of they types of things judges typically inquire about. We asked the older survey respondents who have attended hearings to indicate whether or not the judge asked them about the following at their last hearing:

- Their foster placement
- Visits with their birth family
- School
- Emotional well-being
- Physical Health
- Extracurricular activities

According to survey respondents, with the exception of physical health and extracurricular activities, judges inquire about each of these topics most of the time. These data are summarized in the chart on page 53. Judges are mostly likely to ask about birth family visits and school and least likely to ask about extracurricular activities. Whether judges tend to inquire about these specific topics is not necessarily an indicator of the level at which judges engage youth at hearings. Moreover, some respondents explained that the judges in Twin Falls County tend to listen to whatever youth have to say more than they ask specific questions of youth.

The data indicate that youth do not always choose to speak during hearings when given the opportunity and that older youth are more likely to do so. Of the youth surveyed, just 20% of those ages 13-17 and none of those ages 8-12 reported that they have spoken to the judge at a hearing. Of those who participated in the focus group, all of the older youth and about half of the younger youth indicated that they have spoken to their judge.

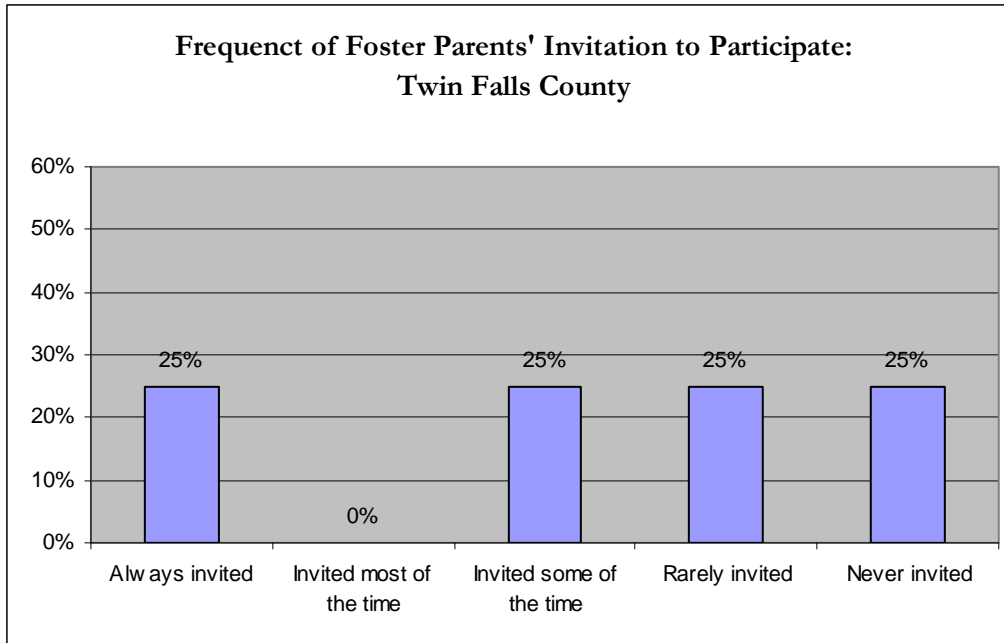


We wanted to gain further insight into the reasons why some youth choose not to participate during hearings or feel that they are unable to say everything they would like to. Many youth of all ages indicated to us that they were not able to speak as freely as they would have liked, for various reasons. Nearly all of the youth we spoke with during focus groups expressed a great deal of fear about speaking in court and described the experience as “intimidating” or “embarrassing.” Of the youth surveyed, 20% reported that they were unable to say everything that they wanted to at their hearing, but most did not specify why this was the case. Those youth surveyed who have chosen not to speak at all during hearings simply reported that they “had nothing to say.”

As a related matter, we wanted to know whether youth have reservations about speaking openly and honestly in court when their biological parents are present in the room. Some of those we spoke with at the DHW and at CASA expressed some concerns about the level of stress that some youth experience while speaking in court in the presence of their biological or foster parents. In particular, there are concerns about youth being scared of or intimidated by abusive parents. Of the youth we spoke with, only one expressed fears about speaking in front of his parents. In this case, the biological father of this particular youth had previously inflicted significant physical abuse. Though no survey respondents expressed fears or discomfort about speaking up in front of their biological parents, one did indicate that she would prefer that her foster parents were not present with her during hearings.

To date, no one has requested that a youth be allowed to speak to their judge outside of the presence of his/her parents. The judges have slightly different opinions about how such a situation should be handled should it arise in the future. While two judges told us that they would be willing to excuse everyone but attorneys from the courtroom, one judge indicated that his preference is for the youth to write a letter rather than attend the hearing if they were not comfortable speaking in front of their parents.

Though many foster parents attend child protection hearings in Twin Falls County, they are not always given the opportunity to provide input. We received mixed responses from foster parents about their level of involvement at hearings. About half of survey respondents reported that they are invited to speak at hearings some or all of the time; the other half reported that they are never or rarely invited to participate at hearings. We received similar feedback from focus group participants, some of whom indicated that their judge does not typically ask for their input at hearings.



Of those foster parents who have been invited to participate, about 82% reported that they always or almost always address the court when given the opportunity, and 18% reported that they rarely do so. Seventy-two percent of foster parents surveyed believe that they are not given adequate opportunities to participate at hearings. Many of these foster parents as well as some of those in the focus group indicated that judges often rely on caseworkers and GALs for all information, including the opinions and concerns of foster parents. Most feel unsatisfied with this arrangement and prefer to relay information directly to the judge.

There appears to be somewhat of a disconnect between the perception of foster parents and that of judges in Twin Falls. The judges are under the impression that while foster parents are given an opportunity to speak at hearings, they generally do not have too much to say. Many foster parents, on the other hand, feel like as though they do not have an opportunity to address the court, primarily because the judge does not specifically ask them questions or ask them to offer input.

Just as we did with youth, we asked foster parents to indicate which specific topics the judge inquired about while addressing them in court. We asked about the following topics:

- Their foster child's schooling or educational needs
- Their foster child's extracurricular activities
- Their foster child's emotional well-being
- Their foster child's physical Health

- Services provided by DHW

According to respondents, with rare exception, judges do not inquire about these specific topics. In a few cases, foster parents reported that they had been asked about their foster youth's schooling, emotional well-being, and/or physical health. All respondents reported that the judge has never inquired about extracurricular activities or about services provided to the family. These data seem to confirm that judges rarely ask foster parents specific questions, though this does not necessarily mean that judges do not engage foster parents at all.

The Experience of Foster Youth and Foster Parents

Part of what we hoped to ascertain while conducting this evaluation is whether or not foster youth and foster parents attending hearings are benefitting from their experiences. More specifically, we wanted to know whether foster youth and parents feel informed and involved and whether or not they believe the court takes their views and opinions into account. The focus groups were a particularly useful source of this type of information.

The experiences of foster youth in Twin Falls County have been quite similar, regardless of age. Attending hearings has been stressful for most of the youth we spoke with. Most expressed to us that being in court is scary, intimidating, and/or embarrassing for them. Most also indicated that these feelings often prevent them from addressing the court fully or at all. In other words, these youth are not fully being "heard."

There are clearly some aspects of the court experience that are inherently intimidating, such as speaking in front of a room filled with strangers and speaking candidly in front of parents. However, the discomfort that these youth experience may stem from a lack of understanding about the court proceedings of which they are apart or from a lack of familiarity with the courtroom environment. Some of the input that we received from youth suggests that they may have preconceptions about court and about judges (right or wrong) that impacts their trust and comfort levels. In addition, several youth indicated that they did not understand what had occurred during their hearings.

Although the court experience of many foster youth in Twin Falls County has been difficult and perhaps not as beneficial as one would hope, the youth agree that I.J.R. 40 is an important rule and feel that youth should always be given the opportunity to attend hearings, provided that it is their choice. Several were able to articulate the importance of allowing youth to hear for themselves discussions about their child protection case rather than having an adult relay this information to them. These youth told us that they would prefer the adults in their life not "talk behind their backs" and that they do not always trust adults to tell them the truth about their situation.

The level of desire that youth have to attend subsequent hearings in their child protection cases sheds further light on the question of whether youth benefit from attending hearings. As part of the survey, we asked youth whether or not they wanted to attend court again (or, in cases where they had never attended, whether they would like to). Responses to this question did vary by age. While 91% of youth ages 13-17 reported that they would like to attend hearings in the future, just 56% of youth ages 8-12 reported the same.

Generally, foster parents agree that it is extremely important for them to be present at hearings and to provide input into the process. Many expressed a strong desire to offer what they believe to be unique insights about their foster youth's well-being. While a few foster parents reported that they feel heard and believe that the court takes their views and concerns into consideration, it is clear that this is not true for most foster parents. In general, foster parents in Twin Falls County do not feel informed or involved in the child protection involved. Many feel like they are explicitly excluded and are of the belief that the judges consider the input of caseworkers and GALs ("the professionals") but have no interest in that from foster parents.

We heard from many foster parents who requested that judges go beyond acknowledging their presence in the courtroom and specifically ask for their input during proceedings. Like foster youth, many foster parents are intimidated by the courtroom environment and do not feel comfortable speaking up without being invited to do so. Also like foster youth, not all foster parents understand the rules and procedures that guide hearings and many would appreciate clarification from judges, caseworkers, or GALs.

Important Challenges and Suggestions for Improvement

We gave all survey respondents, focus group participants, and interviewees the opportunity to identify aspects of I.J.R. 40 that they find to be especially challenging and to offer suggestions for improving the implementation process. These responses in combination with the overall data were used to identify key issues or aspects of I.J.R. 40 that might benefit from further attention from the Twin Falls County child protection stakeholder group. These issues are discussed briefly below.

Deciding how to facilitate a youth's right to be heard. As mentioned previously, many DHW and CASA staff have requested clarification with regard to the meaning of "heard" in the context of I.J.R. 40. There may need to be additional clarification about the various options available for providing youth a voice and guidance on how caseworkers and GALs should go about deciding which option is most appropriate for a particular youth. Specifically, many at DHW are unclear about how much professional latitude they have in deciding whether a youth should attend a hearing and the degree to which this decision should belong to the youth themselves.

The need for an appropriate waiting area for youth. Many respondents expressed a great deal of concern about youth waiting for hearings in the hallways, both because youth may be exposed to unsafe or inappropriate situations and because the waiting period may be lengthy, requiring that they miss school or other activities. A similar concern exists among foster parents, who may have to miss several hours of work to attend hearings. It may be worthwhile for the local stakeholder group to explore options for decreasing the waiting time and/or ensuring that youth are comfortable and safe while waiting for their hearings.

Preparing youth for the courtroom experience. The data suggest that the level of stress and discomfort that youth feel at hearings may interfere with their ability to be heard and, by implication, the degree to which they benefit from attending hearings. Their fears and insecurities likely arise from a variety of sources, some of which may not be entirely avoidable. However, it may be possible to alleviate some of their stress by helping them to feel more prepared for hearings and more familiar with the courtroom environment. There are probably many ways to accomplish this, but one option that the youth seemed receptive to provide youth with some sort of orientation prior to

their first hearing. This orientation could be used to familiarize youth with the physical appearance of the courtroom, the role of key players in the courtroom, and the typical hearing process.

The role of foster parents. It is evident that while foster parents typically receive notice of hearings and often choose to attend hearings, they do not, by and large, feel involved in the process and nor do they feel like they are being heard. One of the key issues that many counties have struggled with while implementing I.J.R. 40 is how to define foster parents' "right to be heard," as they are not a party and traditionally have not had standing in child protection cases. The rule is vague in this regard, and it may be beneficial for the players in Twin Falls to explore how to best extend this right to foster parents within the current system.

In addition to these key issues, which seemed particularly evident from the data, those we spoke with offered a variety of suggestions for how to improve implementation of I.J.R. 40. A complete list of those suggestions are included here.

Suggestions from Foster Youth:

- Talk to youth directly rather than through caseworker.
- Allow youth to talk the judge outside of the presence of foster parents.
- Allow youth to speak to their judge alone.
- Allow youth to speak to judge outside of the presence of their parents. One youth suggested using Skype.
- Ask judge not to yell at parents.
- Have someone explain to youth who the players are in courtroom and what their role is.

Suggestions from Foster Parents:

- Provide more advance notice of hearings.
- Judges should ask foster parents for their input directly.
- Allow foster parents to be part of the hearing.
- Explain the process more thoroughly.
- Set hearings at specific times so that we do not have to wait so long for hearings.

Other Suggestions:

- Provide clarification regarding how much discretion a youth has in deciding whether to attend a hearing.
- Provide clarification about how much professional latitude caseworkers have in deciding whether a particular youth should attend a hearing.
- Use a video to educate and prepare youth for hearings before they attend.
- Take steps to prevent youth from having to confront an abusive parent at the courthouse.
- If a parent is to be arrested at a hearing, make sure that the youth has been excused first.
- Explore options for allowing youth to be heard without having to travel long distances.
- Lessen the time that youth need to wait
- Provide judges with more child protection training
- Explore ways of allowing youth to address the court without fewer people in the courtroom.
- If someone is planning to object to the presence of youth in the courtroom, notify judges beforehand.

Conclusion

In the short time that I.R.R. 40 has been in effect, Idaho counties have really stepped up to the plate and have already come a long way in meeting the challenges associated with engaging foster parents and foster youth in the child protection process. It is promising to learn that foster youth and foster parents across the state now receive notice of hearings and that so many have chosen to participate in the process by attending hearings or submitting letters to the court. This demonstrates that Idaho is on its way to meeting the goals of I.J.R. 40.

Furthermore, it is evident that those involved in implementing the rule are committed to establishing processes that are genuinely beneficial to foster parents and youth and that prevent further trauma to youth. The multi-stakeholder groups that have formed in each of the five pilot counties have been a necessary part of the implementation process. The past 18 months have proven that effective implementation of this new rule requires collaboration between multiple entities as all of those involved must work together to address unanticipated issues and establish necessary guidelines and procedures.

While counties have a number of challenges yet to confront, the good news is that the structures needed to address those challenges are already in place (i.e. local stakeholder groups and the Child Protection Committee). It is also good news that counties are grappling with many of the same issues because this means that resources can be pooled and that local teams can learn from each other. As counties continue to work through issues related to how to invite youth to attend hearings, the options for extending the right to be heard, and how to create meaningful experiences for foster parents and youth, local teams will inevitably identify successful practices that can be shared with other counties and with the Committee.