



## NCJFCJ CHILDREN IN COURT POLICY STATEMENT<sup>1</sup>

Children's lives are turned upside down when they become involved in the child welfare system, most especially when they are placed in foster care. They often lose control and predictability over many facets of their day-to-day lives. Decisions are often made without their input. When court actions are filed, judges decide where the child will live temporarily and permanently, where the child will go to school, when the child will see his parents, siblings, and extended family, along with many other decisions about the child's well-being. Judges can empower children by ensuring every child has a voice in the decisions being made about and for them in dependency court.

When judges observe and interact with children in court, they are powerfully reminded how the young person's life is being drastically affected. When children participate, judges receive evidence that may not otherwise be available to help them understand the child's view about a variety of issues that directly affect their lives.

**It is the policy of the National Council of Juvenile and Family Court Judges that children of all ages should be present in court and attend each hearing, mediation, pre-trial conference, and settlement conference unless the judge decides it is not safe or appropriate.**

To support this critical practice, the NCJFCJ makes the following recommendations related to children's participation in dependency court:

- *Judges should seek and participate in training on how to best engage children in court.*
- *Courts should develop policies and protocols to ensure that children have the opportunity to attend all court events.*
- *Children should be parties to their cases and be appointed competent representation*
- *Children should receive meaningful notice of and preparation for hearings.*
- *When children are not present in court, the judge should ask why and make findings as to the reason the child is not present. If the judge does not find good cause for the child's absence, the case should be continued to an expedited time certain to secure the appearance of the child. The court should work with the agency and the caregivers to ensure the child has transportation to court.*

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*The NCJFCJ's Technical Assistance Bulletin, "Children in Court," provides further information and guidance on involving children in the court process.*