



A Voice of Their Own:

**Youth Perceptions of How They Are Represented In Court Decisions
Regarding Foster Care and Other Placements**

Published by the
Family Law Committee
of the
Colorado Judicial Institute
November 2007



A Shared Vision of Judicial Excellence
www.coloradojudicialinstitute.org



**COLORADO
JUDICIAL
INSTITUTE**

P.O. Box 118
Broomfield, CO 80038-0118
303-766-7501

BOARD OFFICERS

Gale T. Miller, Chair
Elinor M. Greenberg, Vice Chair
James E. Scarboro, Vice Chair
Robert N. Miller, Vice Chair
Leslie A. Patten, Treasurer
Lance Tanaka, Secretary

BOARD OF DIRECTORS

Mary Price Birk
Sandy Blackstone
Hon. Steve Briggs
J. Daniel Brinker
Hon. A. Bruce Campbell
E. Michael Canges
Hon. Russell E. Carparelli
Laurence W. DeMuth, Jr.
Mark Fogg
Hon. Robert Fullerton
Richard L. Gabriel
Pamela A. Gagel
Anne Garcia
Lawrence Gelfond
Sheila M. Gutterman
Melinda M. Harper
David Hersh
Otto K. Hilbert, II
Bud Hover
June Baker Laird
Gary Lozow
Jim McCotter
Laurie McKager
Barbara Mattison
Kathryn E. Miller
James E. Nelson
Michael L. O'Donnell
Meyer Saltzman
Tim Smith
Constance C. Talmage
James K. Tarpey
Ralph G. Torres
Peter D. Willis
Rod Yokooji

Ex-Officio Director

M. Gordon Butz
Hon. Robert J. Kapelke
Michael G. Severns
Hon. Anthony F. Vollack

EXECUTIVE DIRECTOR

Dana Nelson

**DIRECTOR OF MARKETING
AND ADMINISTRATION**

Cynthia Ophaug-Johansen

www.coloradojudicialinstitute.org

December 4, 2007

Dear Colleagues:

It is with great pride and pleasure that we share with you a significant new study, "*A VOICE OF THEIR OWN: YOUTH PERCEPTIONS OF HOW THEY ARE REPRESENTED IN COURT DECISIONS REGARDING FOSTER CARE AND OTHER PLACEMENTS.*"

This study was planned, designed and implemented by the Family Law Committee of the Colorado Judicial Institute and was carried out in partnership with Bridging the Gap at Mile High United Way, a Jim Casey Youth Opportunities Initiative, and the Center for Research Strategies.

In conducting the study and disseminating this report, the Colorado Judicial Institute hopes that the report's findings and conclusion will play a role in shaping future public policy, enhancing judicial education and behavior, and improving the environment and outcomes of foster care and other youth placements in Colorado, and beyond.

We welcome your comments and suggestions.

Best Wishes,

Gale T. Miller, Chair
Colorado Judicial Institute

This study was conducted by Becky Miller Updike, Ph.D. candidate, and at the time of the study, Executive Director of the Colorado Judicial Institute (CJI). CJI worked in partnership with Bridging the Gap at Mile High United Way, a Jim Casey Youth Opportunities Initiative, and the Center for Research Strategies

CJI recognizes and appreciates the Jim Casey Youth Opportunities Initiatives for underwriting the focus group costs and for providing staff support from Bridging the Gap at Mile High United Way and the Center for Research Strategies.

CJI especially wishes to thank Bart Wilke of Bridging the Gap and Lezlie Frank of the Center for Research Strategies for assisting with facilitation of each of the focus groups.

**Published by the
Family Law Committee of the Colorado Judicial Institute**

Mary Price Birk, Chair, Family Law Committee

Committee Members:

Dan Brinker

Larry DeMuth

Pamela Gagel

Elinor Miller Greenberg

Tim Smith

Becky Miller Updike

November 2007

Copyright © Colorado Judicial Institute. All rights reserved.

Mission of the Family Law Committee of the Colorado Judicial Institute

The mission of the Family Law Committee is to identify, promote and participate in court models and projects that support and produce successful outcomes for children and families.

Mission of the Colorado Judicial Institute

The mission of the Colorado Judicial Institute is to preserve and enhance the independence and excellence of Colorado courts, to further public understanding of the Colorado judicial system, and to ensure that the courts meet the needs of the people.

Table of Contents

Executive Summary.....	3
Background.....	4
A Snapshot of Foster Care in Colorado: How It Works.....	4
Plans for a Second Study.....	7
About the Study.....	7
Interview Questions.....	8
Focus Group Findings: A Voice of Their Own.....	8
Conclusion.....	18

Executive Summary

This study provides insights about how youth perceive that their voice is being represented in court decisions involving out-of-home placement, usually due to cases of abuse and or neglect. The study was launched as part of Colorado Judicial Institute's Family Law Committee effort to learn more about the strengths, challenges and needs of Colorado courts with regard to the handling of cases involving children, youth and families.

The **Voice of Their Own** study was inspired by emerging issues in Colorado as well as recent attention to the negative outcomes of youth exiting the foster system, which include the following statistics:

A 2007 report from the Pew Foundation and the Jim Casey Youth Opportunities Initiative documents the challenges former foster youth face once living independently, including the following statistics:

- 1 in 4 will be incarcerated within two years of leaving foster care;
- 1 in 5 will become homeless;
- Approximately 58% will have a high school degree by age 19 (compared with 87% of a national comparison group of non-foster youth); and,
- Fewer than 3 percent will receive a college degree (compared with 28% of the general population).¹

Colorado passed Senate Bill 07-226 in the 2007 legislative session, which addressed new federal laws regarding protecting the best interest of youths involved in child welfare and the courts, and specifically addresses and requires youth participation in court processes, among other things. As Colorado courts and other agencies work to implement these changes in practice, CJI hopes that the input from the youth involved in this study will be helpful and informative for judges, court staff, human services staff and policy makers.

CJI's **Voice of Their Own** study was achieved through a partnership with Bridging the Gap at Mile High United Way (a Jim Casey Youth Opportunities Initiative) and Center for Research Strategies. With their support, CJI held five focus groups during August and September 2007, interviewing a total of 58 Colorado youth who are currently transitioning or have already transitioned out of foster care and into independent living. The goal of the focus groups was to learn about how they perceive that they were represented in court regarding placement decisions, and whether or not they had a voice in the process.

The study concluded that the experience of youth involved in court placement decisions is one filled with challenges and complexity. The basic theme of youth wanting to have a voice of their own in court processes involving placement decisions was strongly stated in many parts of all five focus groups. The input from the youth further proves the need and relevance for policies like Senate Bill 07-226, which provides a promising opportunity for youth voice to be more present and relevant in placement decisions.

CJI hopes that the input from the youth involved in the **Voice of Their Own** study might aid in overall implementation of the policy aimed at improving services and outcomes for youths.

Background

In 2007, the Colorado Judicial Institute's Family Law Committee launched an effort to learn more about the strengths, challenges and needs of Colorado courts with regard to the handling of cases involving children, youth and families. The purpose of his effort was to carry out two sections of the CJI Mission: 1) "to preserve and enhance the excellence of the Colorado courts", through identifying judicial education needs; and, 2) "to ensure that the courts meet the needs of the people."

Since the publication of the 2002 Commission on Families in the Colorado Courts Final Report, the Colorado judicial branch has accomplished significant improvements in the way courts handle issues involving children and families. With consideration of those accomplishments and other issues raised in the report, CJI continues to explore the experience and perspective of clients and other stakeholders involved in both domestic and dependency and neglect issues.

In preparation for this effort, the CJI Family Law Committee assembled an ad-hoc panel of experts in youth issues as they relate to courts. The panel was comprised of representatives from the State Court Administrator's Office, Office of the Child's Representative, Rocky Mountain Children's Law Center, National Center for Drug Endangered Children, Griffith Centers for Children, and other community stakeholders. One of the outcomes of that panel was the inception of a CJI project aimed at learning more about how foster youth perceive their voice in court processes and decision-making.

During the 2007 legislative session, the Colorado State Legislature passed Senate Bill 07-226, which addresses new federal laws regarding protecting the best interests of youths involved in child welfare and the courts, and specifically addresses and requires youth participation in court processes, among other things. As Colorado courts and other agencies work to implement these changes in practice, CJI hopes that the input from the youth involved in this study will be helpful and informative for judges, court staff, human services staff and policy makers. CJI also believes that input from these youth will aid in the implementation of any policy that is aimed at improving services and outcomes for youths.

A Snapshot of Foster Care in Colorado: How It Works

In Colorado, child protection services are usually initiated when a county receives a referral about a possible case of child abuse or neglect. If the county determines the referral to be credible, it opens a case and assesses whether or not the child is in danger and what services are needed for the child and family. If the county determines that the child or children cannot live safely in their home, the county then petitions the court for an order to take custody of the child. When county Departments of Human Services are granted custody of a child, they are required by law to place the child in the least restrictive setting, which includes the following options: foster care, therapeutic foster care, group homes, kinship care (foster care with relatives of the child), receiving homes (short term care), and therapeutic or psychiatric residential treatment facilities.² Foster care homes are usually the least restrictive placement option for counties, thus they are the most frequently utilized placement option, even in cases where higher levels of care may be more appropriate.

In 2005, the federal Centers for Medicare and Medicaid informed Colorado (and several other states) that 10 of 13 service components in residential treatment for children and youth would no longer be paid by Medicaid³. This reduction resulted in major changes for Colorado's residential treatment providers that offer the highest level of therapeutic intervention and stabilization for children and youth. The lack of funds also forced a reduction in residential placements. Some of the children with very complex and serious histories of abuse and neglect who would have previously qualified for residential treatment are now being placed in foster care, which is frequently an inadequate lower level of care. Many foster families are not trained or supported to handle children with higher levels of risk and need, thus the placements are failing at a higher rate, and children are moved through multiple placements more frequently.

Not only are foster families challenged by inadequate preparation and training for caring for seriously abused and neglected children and youth, they are also compensated conservatively for their efforts. According to a 2007 report from the University of Maryland regarding payments to foster care providers, Colorado would need to increase payments to foster families by 76% to 100% in order to meet the minimum cost of raising a child.⁴ Adding to this problem is the issue of local and state child protection oversight. In May 2007, the State Audit on Colorado's foster care system found that 84 percent of children in foster care did not receive the expected monthly face-to-face visit from their county caseworker.⁵

Another issue raised by the 2002 Commission on Families in the Colorado Courts is the issue of the impact of removal and placement on children with regard to separation, attachment and bonding⁶. Inherent in this issue is the importance of preserving sibling sets in placement. According to the National Conference of State Legislatures, there are several states exploring ways to keep siblings together or at least in contact during placements, as follows:

- ✓ Maine requires courts to order sibling visitation when appropriate.
- ✓ New Hampshire allows foster homes to exceed the maximum number of children in order to accommodate sibling groups.
- ✓ Wisconsin requires child welfare agencies to consider placing a child in an adoptive placement with the adoptive parent of the child's sibling.
- ✓ California added half-siblings to the provision authorizing disclosure to one another of the names and addresses of an adoptee and his or her siblings.
- ✓ New York requires courts to coordinate the schedule of permanency hearings for a child with the hearing schedule of the child's sibling or half-sibling.⁷

In 2003, the Colorado passed Senate Bill 03-314, which states that preserving sibling sets in out-of-home placements is in the best interest of the child or children and should be recommended when possible and appropriate⁸. Despite this legislation, preserving sibling sets in Colorado continues to be a challenge for the foster care system.

All of these issues combine to create an environment in Colorado in which children and youth in foster care experience an increasing and damaging number of moves in placement. There is a growing body of research regarding the damage incurred to children and youth when attachment from a stable caregiver is damaged or interrupted⁹. The result of interrupted attachment with a primary caregiver often includes serious developmental delays in children both mentally and

emotionally, which is frequently displayed through defiance, withdrawal, and conduct problems in children.¹⁰ These behaviors, though evidence of larger systemic issues, lend additional strain to foster care families and lead to failed placements and more moves.

As children move through foster homes and other placements, they experience a new school system, curriculum, setting, peer set, and other unfamiliar factors, at the same time they are navigating the demands of “the system”, including court dates, visits with family, therapeutic interventions and case plans with child protection services. They often fall behind in school and fail to gain basic life skills such as opening bank accounts, learning to schedule medical appointments, and learning basic job interviewing skills. Frequent moves also result in lost paperwork for many youth, leaving them with no identification documents or necessary medical and school records.

A 2007 report from the Pew Foundation and the Jim Casey Youth Opportunities Initiative documents the challenges former foster youth face once living independently, including the following statistics:

- 1 in 4 will be incarcerated within two years of leaving foster care;
- 1 in 5 will become homeless;
- Approximately 58% will have a high school degree by age 19 (compared with 87% of a national comparison group of non-foster youth); and,
- Fewer than 3 percent will receive a college degree (compared with 28% of the general population).¹¹

For the purpose of obtaining relevant youth input, Colorado Judicial Institute (CJI) entered a partnership with Bridging the Gap at Mile High United Way, which is an organization working to improve outcomes for youth aging out of foster care. Bridging the Gap is one of twenty initiatives nationally funded by Jim Casey Youth Opportunities Initiative. The mission of the Jim Casey Youth Opportunities Initiative is to bring together the people, systems and resources necessary to assist youth in foster care to make successful transitions to adulthood. Their vision is that all young people exiting foster care will make successful transitions to adulthood.

Goals of Colorado’s Bridging the Gap Initiative:

- Expand access to opportunities in employment, education, housing, physical and mental health, and personal and community engagement for youth in, and transitioned out of, foster care.
- Provide links to personal networks of caring adults and other young people.
- Develop the capacity of private and public organizations and communities to provide necessary supports to these young people, including lifelong connections.
- Involve young people directly in making important decisions that affect their lives and others in foster care.
- Transform the way state systems and communities view their responsibilities to youth in, and transitioned out of, foster care.

While programs like Bridging the Gap, Pew Charitable Trust, Casey Family Programs, Jim Casey Youth Opportunities Initiatives and other national and local organizations are working to address the policy and practice needs of this population, a relatively small percentage of youth aging out of foster care are receiving the services needed to help support their successful transition into independent living.

The Colorado Judicial Institute hopes that the information obtained from this study of the extent to which youth had a voice in court will help support the education of judges, attorneys, caseworkers and other child welfare stakeholders on these issues, while also supporting the continuation and expansion of such programs and efforts aimed at supporting and empowering this vulnerable, yet potential-filled, group of youths.

Plans for a Second Study

CJI is exploring the possibility of conducting a second study on “youth voice in court” in 18-24 months, to determine if other foster youth who are aging out of the system at that time have had a different experience with regard to their voices being represented in court since the implementation of SB 07-226.

About the Study

The Colorado Judicial Institute (CJI), in partnership with Bridging the Gap at Mile High United Way (a Jim Casey Youth Opportunities Initiative) and the Center for Research Strategies, hosted five focus groups during August and September 2007, interviewing a total of 58 Colorado youth who are currently transitioning or have already transitioned out of foster care and into independent living. *The goal of the focus groups was to learn about how these youth perceive that they were represented in court regarding placement decisions, and whether or not they had a voice in the process.*

Participants were an ethnically diverse group of 24 males and 34 females, ranging in age from 14 to 26 years of age, with the majority of the participants in their mid to late teens. Bridging the Gap recruited participants through county Departments of Human Services, offering \$25 gift cards for participation in the study. Youth involved in this project were aware that participation was voluntary, and that results would not reveal their identity. All of the participants had some involvement with courts regarding placement decisions. About half of the participants were already involved with Bridging the Gap (BTG), and the other half were recruited through county Departments of Human Services and were not involved in life skills training or independent living programs. All non-BTG participants received basic information about BTG and were invited to learn more and explore participation. The focus groups were conducted with appropriate ethical considerations to protect participants from harm, with approval from the Institutional Review Board (IRB) overseeing the evaluation of Bridging the Gap at Mile High United Way.

Each focus group began with an introduction of the interviewers and the purpose of the study. Ground rules were explained, outlining expectations for respectful, safe and non-judgmental dialogue, turn-taking, and the option to abstain from answering any question for any reason. Each focus group session was audio recorded and transcribed by an assistant interviewer from the Center for Research Strategies, while the primary interviewer facilitated the discussion. All

participants shared their first names and ages, and were assured that their names would be changed in the report to protect their identity. Participants were also assured that the recordings would be used internally, only for transcription, and would be destroyed after the writing of the report.

After introductions, each focus group session began with the interviewer introducing the project by showing a copy of Colorado State Senate Bill 07-226, and stating that the recently passed bill required that courts consult with children and youth regarding placement decisions and permanency planning. Essentially, this bill would create a new requirement that would allow youth to be consulted regarding their placement.

Interview Questions

Open-ended interview questions included the following topics:

1. Whether or not the youth had been present in court while placement decisions were being made;
2. How they feel their opinion or voice was represented;
3. Their general understanding of the court and placement processes;
4. Whether or not they felt that courts had enough information about the youth for placement decisions;
5. What they would change about the process and or the system;
6. What advice would they like to give to judges; and,
7. What has made the biggest difference to them along their journey thus far.

Each focus group session concluded with interviewers thanking the youth for their time and for sharing their stories and sensitive areas. Serious emotional issues were discussed in every focus group, and interviewers acknowledged the sensitive nature of the discussion and offered opportunities for the youth to de-brief with their caseworkers or other appropriate staff attending the sessions.

Focus Group Findings: A Voice of Their Own

The five focus groups were each conducted as similarly as possible, using the same introduction and sequence of questioning to encourage discussion and input. The following themes emerged from the questions asked during the focus groups, with most themes emerging in most if not all five of the sessions. Additional themes that were not addressed in questions but emerged in conversation are also addressed. The names have been changed to protect identity.

Theme 1: Whether or not the youth had been present in court while placement decisions were being made.

About half of the youth reported that they had been present in court during placement decisions, and most in each focus group said that they did not speak on their own behalf in court. Those that had been present in court during placement decisions tended to be older teens, and many reported that they had not been present in court when placement decisions were made during their younger years.

The youth spoke with clarity and certainty regarding their court experiences, and an overwhelming majority felt that they did not have a voice in placement decisions, and wished they had.

“I should have had more say at the time about the placements. No matter how old you are, you know what you want.” ~Miranda, 20

“I wasn’t told where I was going and wasn’t in court when the decision was made. They tell you the day before... Moving from home to home you feel unwanted and alone. They don’t care about me. Nobody asks the kid. They speak down to the child... You are a little kid, not worth my time, you are just my job.” ~Shawna, 19

“I’ve been in 41 placements and in court for all except 3 times when I was younger. I’ve been in the system since I was 2 months old, in foster care, group homes and detention. I didn’t have any say. The last place I went I didn’t want to go, but they said I needed structure and I was locked down.” ~Desiree, 17

Theme 2: How they feel their opinion or voice was represented.

Many of the youth referred to the various professionals who represented them in varying degrees of effectiveness during court placement decisions. Some mentioned having a Guardian Ad Litem (GAL) and some were not familiar with that term and did not think they were represented by a GAL. Those that did mention having a GAL had varying opinions about their effectiveness. Several that mentioned having a GAL did not feel that the GAL had accurately represented their voice or opinions in court, and did not feel the GAL had enough information about them to adequately represent them. Other participants who had a GAL were pleased with the way the GAL represented them in court.

It is worth noting that the Office of the Child’s Representative (OCR) was established in Colorado in 2000, so some of the youth involved in this interview were involved in court placement decisions before OCR was established and running at its current capacity. The legislation enacting the OCR, H.B. 00-1371, was created to establish a program that would improve the provision of legal services and address the unique legal needs of children in Colorado. The statute creating the OCR contains comprehensive statewide mandates for the OCR designed to ensure enhanced legal representation for children. The office's central mandate is to improve the provision of services provided by GAL's, child representatives and attorney special advocates. Mandates for the OCR include administration, oversight and training provisions relating to attorney services.¹² Colorado’s OCR has become a role model for other states seeking to establish similar efforts.

“I’ve never been in court. I felt disappointed somebody was speaking for me I never met in person. I’ve only met my GAL twice... You can’t get a concept of what someone needs if you have so little information on them

except for a report... You can't be successful with kids if you aren't involved with them." ~ Steven, 18

"I feel the judges are the learners. GAL is the person to educate them. If a GAL doesn't have accurate info, how can the judge make a good decision?" ~ Tony, 18

Some youth mentioned Court Appointed Special Advocate (CASA) volunteers. Some who had CASA volunteers were very positive about their experience, a few were negative, but most youth in this study did not have a CASA volunteer because CASA functions through volunteers, and tends to utilize its resources more with the younger children involved in court.

"My CASA spoke for me, but the CASA worker was at the bottom of the pool and couldn't really affect anything." ~Ronnie, 17

One focus group session was conducted at a CASA office, and was a group that meets on a monthly basis to provide support and independent living skills for the participants. The youth involved in that group were extremely positive about the CASA program, and credited CASA with making a significant difference in their journey from the system into independence. Not all CASA offices have support groups for youth in transition, and this particular group is unique in its offerings.

"My CASA worker helped me the most... She listened to my story. When she spoke for me in court she didn't change my words around." ~Kasey, 16

"We were homeless and living in hotels and in City Park. From then until now, nothing remotely positive came out of the system for me. I can't even say the system provided our CASA. I don't know where she came from, but it's they only thing they did right. My CASA has done everything my family would have done but couldn't. I couldn't live without my CASA." ~Nicholas, 21

Other youth mentioned being represented by lawyers and caseworkers. In all of the focus groups, there were few comments about lawyers (about equally positive and negative) and several negative comments about caseworkers.

"The judge doesn't know us, they are going off what others say. Take time and don't have so many cases." ~Michael, 17

"My caseworker didn't know when court was or what happened there when asked. She never returned my phone calls, even in an emergency." ~Kristin, 16

"Lawyers, GAL's and caseworkers don't understand the concept of what we have been through. They come from a strong family and had a positive upbringing. They can't understand what we go through." ~Gary, 17

Theme 3: Their general understanding of the court and placement processes.

The youth generally reported that they had a pretty good understanding of the court process, and indeed seemed to comprehend basic workings of court proceedings. Some explained that they understood the process because it had been explained to them along the way by a caseworker, foster parent or other person. There was general agreement that judges and courts should clarify communication so that children and youth could better understand what was happening and what the expectations were. Several mentioned that children and youth could not understand or use “lawyer talk” or “court legal language”, and that such language should be simplified for the children and youth. One youth suggested that courts should have youth mentors who have been through the system and who could explain the process to new youth coming through the courts.

“Everyone uses technical terms and you don’t know what is going on. Simplify it for the youth. Kids aren’t stupid.” ~Jamal, 19

“Nobody really explains it, but you understand it after a while.” ~Josh, 16

The youth reported no understanding at all of the placement decision-making process. There was consistent reporting that they were not told when and where they would be moved, and that they never got to have closure or say goodbye to friends in a new school or other foster siblings in homes when they would be moved. They did not understand how and why placement decisions were made, and felt that there was not a reasonable rationale behind placement decisions. Several suggested that more information from the judge, court or caseworkers about their placements would have been helpful.

“Instead of using social workers to take kids that don’t need to be taken, they should analyze the situation better and take more time, because if you do it right the first time you don’t have to do it again and you don’t have to send the kids to 18 different places. It can be done, and get them the help they need.” ~Miranda, 20

“All your friends don’t know you live in a group home or foster home until the police just come and get you and you never see any of them again.” ~Jennifer, 17

“Ask how to better understand us. They don’t ask us the question. First time I was put into placement, I didn’t even know what was going on. The caseworker picked me up, put me in a room, gave me food and an hour later, she came in and said we are going to this place.” ~Vance, 16

“Everyone in this process says they listen, but I needed it to happen months ago. I just have to keep my head up and tell myself it will happen.” ~Tina, 18

“Don’t hold information back from the kids because they have their hopes up. Just be truthful, don’t tell them lies.” ~Miranda, 20

“I was taken out of my home. I wanted to put systems in place to be able to go home. They didn’t ask me or care.” ~Michael, 17

“Minimize the number of moves you have to go to.” ~Zach, 17

Theme 4: Whether or not they felt that courts had enough information about the youth for placement decisions.

The youth felt that judges had a large amount of information available about each case, but the focus groups shared a common theme that judges did not have accurate or personal information about youth and therefore could not make informed decisions about placement. There were several comments about case files not having accurate information, and caseworkers only recording negative labels and diagnoses in files that ultimately end up in the hands of judges.

The youth had several suggestions about how judges may gain more accurate information about the youth, with the most common suggestion being asking the youth directly about his or her wants and needs in placement. Several youth thought they should have an opportunity to have a brief and private conversation with the judge, so that the youth could speak freely regardless of who is present during the court hearing. Other youth suggested that judges allow youth to submit their input in writing that would remain confidential so that only the judge would see it. Several youth felt that caseworkers, GAL’s and CASA’s were not accurately portraying their wishes, and in many cases, “put words in their mouths” or used things out of context.

“We are looked at as files and paperwork. Somebody passes them this booklet, and can’t see the marks on my body and what I’ve been through. If we could look at what they [judges] perceive us as... Words paint pictures but not faces... Think past the papers.” ~ Nicholas, 21

“They had my file and everything, but they didn’t really know me as a person... They didn’t have my actual voice to tell the judge what I wanted.” ~George, 17

“We are the future so therefore you should pay more attention to us instead of going off all the adult opinions.” ~ Andrew, 18

Theme 5: What they would change about the process and or the system

The most common response to the question about changing the process or the system was that youth wanted judges to hear their voices, and they wanted to provide direct input about their situation and placement. Several older teens suggested that even young children should have an opportunity to speak about their situations and wishes in court, so that they know they participated in the system and at least their opinion was recorded. In addition to having a voice in court, the youth shared the common opinion that the number of placements should be minimized, and that moves were extremely taxing and damaging to the youth.

Several youth were disappointed with the unpredictability and unreliability of court dates. They discussed planning ahead and missing school or work to attend a court date that would eventually be postponed or moved to another date. They felt as though they had met their expectations and had done “their part”, and the court let them down by allowing them to be “lost in the shuffle”.

“You have to sit and wait [for court]. Things get delayed. It’s wasting time and is not productive. You know you will be moving around and it affects school and relationships... You move and have to start all over, and you don’t know who to trust.” ~Angie, 16

“Courts don’t have empathy. They try to make us better or learn to do right but they don’t do right for us at the same time like having court dates on time. People are not talking to kids... Everyone should put themselves in the kid’s shoes.” ~Jamal, 17

Other suggestions for changing the system included providing more training to foster families, increasing their compensation, and assisting foster families so that youth have opportunities to participate in extra-curricular activities.

“Some foster families won’t let you do much. You want to play baseball, but nope, if they have to pay anything then they don’t let you do it. I was inside all the time. Some foster homes didn’t let me go outside to play. It kept me out of a lot of trouble... no, not really.” ~Nick, 18

“I would want more activities within the foster home because I felt so isolated from the world.” ~John, 17

Theme 6: What advice would they like to give to judges?

The youth shared common themes regarding what they would like to tell judges. One youth submitted a hand-written list of items that she had prepared in advance for the focus group session, which included the following:

- 1) *Speak to the child’s therapist instead of playing therapist.*
- 2) *Don’t speak down to the child.*
- 3) *Threatening children breeds hostility.*
- 4) *Moving from home to home feels unwanted and alone.*
- 5) *Don’t treat them as just a job.*
- 6) *Do not treat them as a whole. Each child is different.*
- 7) *Ask the child where they want to go. (race, sex, location, age group.)*
- 8) *Just because the child has a mood swing, do not suggest medication.*

The most common response the youth wanted to share with judges was simply to ask for and listen to the youth’s input. Other responses the youth shared in common included the suggestion

that judges should ask GAL's and caseworkers when they last spoke with the youth or how many times they had met and spoken with the youth or child. The youth reiterated their concern about judges basing placement decisions on what was written in the child's file without asking the child directly about his or her situation and input.

"I would say to a judge really look at what that child has done. Really have some evidence. Really do some soul searching... Try to find something they like to do, and get them involved. Listen to what the child has to say before you remove them. If that child doesn't feel comfortable talking in front of people, find out why they don't want to be there... Let me talk privately... Don't alienate the child. Make them feel comfortable talking to you. Sound like a caring parent. If they start breaking into tears, hold that child. Make them trust you. That's what I think. The key word is child." ~ Miranda, 20

"Everybody has freedom of speech. We all deserve to have our opinions heard... Before courts hear the DA, caseworker or whoever else addresses you and tells you about the courtroom that day, the child should have at least 10 minutes to say what you need to say, give your opinion. Nobody knows what is good for me except me, because I've been through it... I've been in the system since I was 2 months old, and I need a break. Let me prove myself. I'm mature... You have to work for what you get and I've worked hard for what I have now." ~Desiree, 17

"Don't make assumptions. I would talk to the kid before you assume. It doesn't matter how old they are." ~Zach, 17

Theme 6: What has made the biggest difference to them along their journey thus far?

Most of the youth participating in the focus groups reported that they had been through extremely challenging situations and multiple placements, and many shared painful and sensitive details about the nature of their abuse. Even so, most felt hopeful about the future and reported that they were in a positive place and time in their lives.

A few young women mentioned their issues with cutting, which is an increasingly common behavior exhibited in severely abused and or neglected girls, whereby they cut their own skin as an outward expression of internalized pain. One young woman spoke about her journey while wiping her tears and offering periodic smiles while simultaneously bouncing her baby on her knee. As she spoke about her new job and how much she was enjoying college, unspoken details about her journey became evident with a glance down the length of her inner forearm, which bore the healed scars from approximately 20 or more match-stick sized self-inflicted cuts. The healed scars remain as a metaphor for her personal healing, which was evident in her facial expressions and description about her enthusiasm for her child, college and her future.

Other youth, who had yet to display outward emotion during the course of the focus groups, also shared sensitive and emotional insights as the result of this question. One focus group had 21

youth in attendance, and thus required more time than anticipated for all of the youth to have an opportunity to provide input. When the session was scheduled to adjourn, the interviewer announced that the youth could leave if they wanted to, or they could stay to provide input on this last question about what has made the biggest difference for them on their journey thus far. All 21 youth remained in their seats, hands up, patiently waiting and listening attentively while each youth provided sometimes tearful stories and descriptions of a person or event that was significant to them. The session ran 30 minutes longer than anticipated, just to answer this question.

The most common themes that emerged from this question included faith in God and the influence of one significant person or event in the child's life.

"I think about the judge that basically saw me grow up in placements and in and out of my mom's care. Now that I am older and am working for the city, I see her everywhere, and she apologized to me for not... it was just... to have her support was so much. She remembered and came to the award ceremony when I got my scholarship." ~Kendra, 19

"The main person that has kept me alive is my faith, the man upstairs. I've been through hell and back again. Being snatched from your mom's arms when you are little—it's enough to torment a kid for the rest of their life. I've slept under bridges. I'm just now getting my life back together... I think I'm more of a person that a young person can look up to, because I've been there... Yeah I admit I have wanted to give up a lot but I look at my babies everyday... and I can't give up... I can't do that." ~Denise, 26

"The support of my friends and family...I look back at my life and remember conversations I had with people who are now gone. I decided I'm tired of being a statistic. I want my Grandma to know she raised me better and before she leaves I want her to know I am going to do good... I want a better future for me and my kids." ~Jeff, 19

"I had Judge Adams when I was having the hardest time at 15 and locked up. I told him he had no idea what it was like to be me. So he told me to write him a letter so he could read about what it's like to be me. I wrote him an 8 page letter telling him all the things that have happened to me. He read it, and he said he was proud of me, and that he did finally understand what it was like to be me, and he thanked me. I talk to him now if I see him, we talk forever. That made a difference." ~Desiree, 17 (Entered system at 2 months of age and has had 41 placements.)

"My parole officer and my therapist helped me the most. They were straight up with me and encouraged me to do a lot for myself. They supported my decisions. My parole officer trusts me. He has faith in me and helped me start doing good." ~Michael, 18

“My faith in God helped me, and my support systems. With the help of one therapist, we formed a running club and that was an outlet. We were in Jefferson Hills, which is a locked facility. We trained to run a 5K race. We set goals and we achieved them. It helped time go by. I just saw that therapist the other day, we all got together again and it was great.”
~Jessica, 19

“Faith, my pastor and people from my church used to come and see me. And my last caseworker. She showed me she cared. She got me Christmas gifts. Someone in the system cared.” ~Tyer, 18

“I had a foster mom who was patient, and my faith helped. Being in the foster care system is humbling. You teach yourself how to outthink people around you. But she didn’t give up on me.” ~Shelley, 17

Sub-Themes: Observations, insights and ideas that emerged in common across the focus groups that were not addressed through questions.

There were a few themes that emerged in most or all of the focus group sessions despite not being asked about or addressed in any way in the questions. Because the themes emerged consistently throughout the sessions despite being unprompted or unsolicited, they are being included in the report as part of what the youth wished to express regarding their experience. Those issues and themes include the following:

1. The separation of sibling sets in placement;
2. Purposely acting out in placement to cause a move or different placement;
3. Lost ID, school records and personal information along the way;
4. Loss of school credit or ability to graduate due to school moves;
5. Learned behaviors in placement (ways to act out, drug and alcohol use, etc.); and,
6. Frustration regarding use of psychotropic medications in placement.

Sub-Theme 1: The separation of sibling sets in placement

The issue of separation of siblings came up voluntarily in each of the five focus groups. When the topic emerged, the interviewer first asked the youth to raise their hands if they had siblings, then asked those who had siblings if they had been separated from their sibling(s) in placement. Without exception, every youth participating in these focus groups that had a sibling or siblings, had been separated from them during placement. The youth spoke passionately about their siblings and shared the common sentiment that they wished they could have stayed with siblings or wish they could have at least kept in touch with siblings more frequently. Many knew where their siblings had been placed and knew of abuse that was occurring to the sibling in placement and felt powerless to help. Some of the participants had since located and become reunited with siblings.

One set of brothers had been separated at a very young age, but through the efforts of their CASA volunteer and a non-profit organization called Boys Hope, the brothers kept in touch with each other off and on through the years. The younger of the two brothers emancipated from the

system just weeks prior to the focus group, which the brothers participated in together. The younger brother exited the system without access to any identification or money, and would have been homeless had he not had his older brother's assistance. Since then, the younger brother has moved in with his older brother, who has assisted him with finding a job.

“They threw me out with my stuff and I didn't have anywhere to go when I graduated and emancipated. Two [people] in my life who would help me were my brother and my CASA. They threw me out so I had to live with my brother. He was living on his own but now has another person in his life. I added to his financial situation because I didn't have a job. CASA is helping me know where to go. It's somewhat stable living with my brother... I have a job. I feel amazing.” ~Andre, 19

“My lawyer probably made the decisions but I never knew who that was. They told me they wouldn't split me and my brother. When we moved we all three were split. How does that happen? Why would they tell us they won't, and then they do it?” ~Krista, 16

Sub-Theme 2: Purposely acting out in placement to cause a move or different placement

The youth spoke openly about how they learned along the way that they were not being listened to about placements, even in situations where placements were negative or even abusive. Many explained that they intentionally “acted out” in order to be placed in a different setting, for one reason or another. Some explained that they felt that acting out was the only way they could have any power in the decisions around their placements, and they knew that misbehaving or causing disruption could result in a different placement.

“Everybody acts out on purpose. If you mess up badly enough, they will kick you out. I was in a foster home where the biological son was sexually abusing me. The parents didn't believe me when I told them, so it kept happening. So another foster kid in the home told me to get in trouble. I tried, but it wasn't working. So she told me to break something, so I broke the guy's watch and it worked.” ~Abbey, 19

Sub-Theme 3: Lost ID, school records and personal information along the way

A few of the youth discussed complications they were currently encountering or had encountered in the past due to not having basic identification paperwork including birth certificates. One young woman was currently trying to change her name from a last name she received in a failed adoption, because she wanted to go back to her birth name. She was having trouble navigating the system to accomplish this and wasn't sure where to turn. Another youth mentioned emancipating from foster care with no identification documents, which hindered his ability to find a job right away.

The discussions about how and why such paperwork gets lost were inconclusive. The speculated cause, according to the participants in the focus groups, probably has something to do with frequent moves and placements, and paperwork getting lost along the way.

Sub-Theme 4: Loss of school credit or ability to graduate due to school moves

A very common theme that emerged in four of the five focus groups revolved around loss of school credit during placement moves. There are 179 school districts in Colorado¹³, with individually managed curricula and timelines. Therefore, students moving frequently have a higher risk of falling behind due to credits not transferring or by missing out on various building blocks due to inconsistent curricular structures.

“Start improving the process by speeding it up. Secure placement, be in school, don’t put life on hold. Life catches up with you. It took me longer to graduate because of moving all the time, giving up credits going to some schools and losing credits because things get changed.” ~Austin, 17

“The school thing. I can’t count how many I had to go to. I had to get my GED because I couldn’t finish because I was jumping around placements all the time. Even if you are in a facility and you get put into another placement, it’s another school.” ~Gabe, 18

Sub-Theme 5: Learned behaviors in placement

The youth spoke about lessons learned in placements that were not always positive. Several reported that they learned more about acting out to manipulate their situation from other children and youth in placement than they had ever considered on their own. They also shared about discovering ways to use drugs and alcohol from discussions with other youth in placement.

“They put me in a drug and alcohol facility for a year and a half and I had never touched either, ever. You would be amazed at what you can learn in there.” ~Tina, 18

“I hadn’t ever smoked, drank or done drugs before placement, but afterwards I started doing it.” ~Austin, 17

Sub-Theme 6: Frustration regarding use of psychotropic medications in placement

Several youth spoke out about their frustration regarding the use of psychotropic medications in facility placements. They felt as though they had been incorrectly diagnosed and had been given medicines that could have been avoided through behavior management.

Whether or not the medications that were given to the participants were necessary or appropriate, most reported that they felt much better without the medicines. They did not address other factors that may have influenced their feeling of improvement.

Conclusion

The experience of youth involved in court placement decisions is one filled with challenges and complexity. The youth in this study did not blame any single factor for the challenges that arise from out-of-home placements, and they understood that the effort to protect children from harm must sometimes require placements outside their home of origin. Many, in hindsight, thought that judges, attorneys and caseworkers were indeed trying to serve their best interests along the way.

The basic theme of youth wanting to have a voice of their own in court processes involving placement decisions was strongly stated in many parts of all five focus groups. The passage of Senate Bill 07-226 provides a promising opportunity for youth's voices to be more present and relevant in placement decisions. The youth input from this study further supports continued efforts to expand the presence of youth voice with regard to placement decisions in court.

The Colorado Judicial Institute recognizes the partners that helped make this study possible, and extends gratitude and appreciation to the 58 potential-filled youth who had the courage to participate in this study.

¹ Time for Reform: Aging Out and On Their Own. (2007, May). The Pew Charitable Trusts' Kids Are Waiting Campaign and the Jim Casey Youth Opportunities Initiative. www.pewtrusts.org

² Report of the State Auditor: Foster Care Services Performance Audit. (2007, May). Colorado Auditor's Office.

³ Brodhead, P. (2006, November). Fiscal Year 2007-2008 Budget Briefing: Department of Human Services. Joint Budget Committee, Colorado General Assembly.

⁴ Hitting the M.A.R.C.: Establishing Foster Care Minimum Adequate Rates for Children. (2007, October). University of Maryland, Children's Rights and National Foster Parent Association. University of Maryland School of Social Work. www.ssw.umaryland.edu/fostercare/index.htm

⁵ Report of the State Auditor: Foster Care Services Performance Audit. (2007, May). Colorado Auditor's Office.

⁶ Commission of Families in the Colorado Courts Final Report. (2002, August). Colorado Supreme Court Commission on Families in Colorado Courts.

⁷ National Conference of State Legislatures. September 2007

⁸ Senate Bill 03-314. An Act concerning the placement of children who are part of a sibling group (2003). Colorado General Assembly. http://www.state.co.us/gov_dir/leg_dir/olls/sl2003a/sl_409.htm

⁹ National Research Council and Institute of Medicine (2000). *From Neurons to Neighborhoods: The Science of Early Childhood Development*. Committee on Integrating the Science of Early Childhood Development. Jack P. Shonkoff and Deborah A. Phillips, eds. Board on Children, Youth, and Families, Commission on Behavioral and Social Sciences and Education. Washington, D.C.: National Academy Press.

¹⁰ National Research Council and Institute of Medicine (2000). *From Neurons to Neighborhoods: The Science of Early Childhood Development*. Committee on Integrating the Science of Early Childhood Development. Jack P. Shonkoff and Deborah A. Phillips, eds. Board on Children, Youth, and Families, Commission on Behavioral and Social Sciences and Education. Washington, D.C.: National Academy Press. pp. 225-266.

¹¹ Time for Reform: Aging Out and On Their Own. (2007, May). The Pew Charitable Trusts' Kids Are Waiting Campaign and the Jim Casey Youth Opportunities Initiative. www.pewtrusts.org

¹² Office of the Child's Representative, State of Colorado. <http://www.coloradochildrep.org/>

¹³ 2006 Colorado Education Facts, Colorado Department of Education
<http://www.cde.state.co.us/cdereval/download/PDF/EDFacts/2006EdFactSheet.pdf>.