



## Facilitating Meaningful Child Engagement in Remote Dependency Hearings

December 2023

### **Question:**

How can dependency courts facilitate meaningful child engagement in remote hearings?

### **Answer:**

Dependency courts should always strive to foster a welcoming courtroom atmosphere where children are encouraged to participate in their hearings; remote hearings are no different. Courts can adopt several strategies to meaningfully engage children in remote dependency hearings. Judicial officers can employ trauma-responsive practices and family engagement skills to help children feel safe and comfortable participating in remote hearing. Court administration can establish policies and guidelines outlining remote hearing processes and expectations. Additionally, court professionals can ensure children have time and support to prepare for and debrief after their remote hearings. Finally, courts should select user-friendly technology platforms that are easy for children and caregivers to navigate to maximize participation. This document describes these strategies in further detail using information gathered from teenagers, caregivers, and court professionals who have participated in remote child welfare hearings.

### **Background:**

Advocates and experts have long encouraged meaningful child involvement in dependency hearings, although the practice varies widely across and within states. It is the court's duty to guarantee children's opinions and wishes are taken into account when crucial decisions are being made regarding their future, and welcoming children

to participate in hearings can help facilitate that by allowing children to be heard.<sup>1</sup> Additionally, the presence of children in hearings enables judicial officers to visually assess their safety and well-being while receiving valuable input to inform decision-making processes.<sup>2</sup>

The shift to remote and hybrid hearings during the COVID-19 pandemic required courts to think differently about how children could participate in their hearings. While the COVID-19 restrictions have lifted, allowing in-person hearings to resume, some courts have opted to continue using remote or hybrid (where at least one person is in the courtroom and one person is participating virtually) hearings in dependency proceedings.

Virtual hearings present different challenges to child participants depending on the child's age. It can be challenging for judges to visually assess a child's well-being when appearing virtually. Still, the virtual platform can provide a view into the child's living space that is unavailable during in-person hearings. Older youth also benefit as virtual hearings allow their participation without missing entire school days.

The National Center of State Courts, with funding from the Annie E. Casey Foundation and Casey Family Programs, studied the experiences of families and court professionals in remote child welfare hearings in five states. As part of this effort, researchers observed more than 400 remote hearings. Children were participants in only 4% of the hearings observed, indicating that the field has a long way to go in engaging youth in child welfare hearings. NCSC also interviewed several older youth who participated in at least one virtual child welfare hearing. Five of the youth had previously participated in an in-person hearing and were able to compare their in-person and remote experiences. The objective of these interviews was to learn about the youths' remote court experiences, their perspectives on the advantages and challenges of remote hearings, and to solicit their feedback for enhancing the remote hearing process for children. This document synthesizes insights from these interviews and suggests strategies for engaging children during remote child welfare proceedings.

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<sup>1</sup> Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges. <https://www.ncjfcj.org/wp-content/uploads/2016/05/NCJFCJ-Enhanced-Resource-Guidelines-05-2016.pdf>

<sup>2</sup> Ibid.

# RECOMMENDATIONS AT A GLANCE



**Create policies and prioritize practices that support children to regularly participate in their dependency hearings.**

**Create a virtual courtroom environment where children feel welcome, are seen and heard, and are included in hearings.**



**Ensure children can access technology, technical support, and the information necessary to participate in remote hearings fully.**



**Give youth appropriate time to prepare and plan for their participation in court with their attorney.**





## **Recommendation 1: Create policies and prioritize practices that support children to regularly participate in their dependency hearings.**

To meaningfully involve children in remote dependency hearings, they must first be present. **Courts must emphasize the importance of children's attendance and active participation in their court hearings by establishing policies, setting expectations, and training court professionals on their role in supporting children's participation in hearings.** Policies must clearly state the importance of children having the opportunity to participate in their hearings, consider the child's emotional well-being while balancing the significance of their participation, and describe who is responsible for providing children with log-in information and ensuring they have the space, tools, and support to participate.

In practice, judicial officers may have valid reasons to excuse children from participating in hearings; however, before excusing the child, the judicial officer should ensure that the child has been informed of the importance of the hearing, assess whether attendance is in their best interest, and explore alternative methods of participation, such as attending only a portion of the hearing.<sup>3</sup> If a child is not present, judges should make findings as to why and, if no good cause is found, continue the case for a short time to allow the child to appear.<sup>4</sup> A child should not miss attending a hearing because they have incorrect links or login information.

**As part of their policy, courts should consider allowing children to choose to participate remotely, when appropriate, to enhance accessibility and promote engagement.** Some children may feel more comfortable appearing remotely, while other children may appreciate seeing court professionals in person. Providing a choice of how they would like to attend the hearing empowers them with a sense of autonomy and shows their opinions matter. Further, giving individuals “voice and choice” in

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<sup>3</sup> [Seen-Heard-Children-Dependency.pdf \(ncjfcj.org\)](#) Pg 12-13

<sup>4</sup> Gatowski, S., Miller, N., Rubin, S., Escher, P., & Maze, C. (2016). *Enhanced resource guidelines: Improving court practice in child abuse and neglect cases*. National Council of Juvenile and Family Court Judges. <https://www.ncjfcj.org/wp-content/uploads/2016/05/NCJFCJ-Enhanced-Resource-Guidelines-05-2016.pdf> (pg. 73)

decisions about their case is a trauma-informed practice. These measures can aid in children being present in their hearings.

The increased presence of children alone may not lead to meaningful engagement. The subsequent recommendations in this document focus on how to support children so that they are better able to actively participate in virtual hearings.



## **Recommendation 2: Create a virtual courtroom environment where children feel welcome, are seen and heard, and are included in hearings.**

### **Families should feel safe, welcome, seen, and heard in the virtual courtroom.**

Just as in in-person hearings, the judicial officer assumes responsibility for establishing an atmosphere where all individuals are treated with dignity and respect and feel included in the court process. In remote hearings, the judicial officer does not have the same control over the child's environment; however, they can employ several strategies to cultivate a welcoming atmosphere during the hearing.

At the beginning of the hearing, the judicial officer should greet the child and express gratitude for their attendance. This is also an opportunity to ask the child about their surroundings and ensure they feel safe contributing to the hearing. The judicial officer can also ask the child to confirm that they can hear and see the hearing participants and confirm that the child can be heard.

Next, the judicial officer should clearly explain the purpose of the hearing and review ground rules to help children understand how and when to communicate during the hearing. These rules are essential in virtual hearings because the child is often not in the same location as their attorney. Examples of such rules include describing the order of speakers, suggesting parties remain muted when not speaking, and explaining what to do if they encounter any technical issues affecting their participation.

## Benefits of virtual hearings as expressed by the children interviewed.



Easier to accommodate their schedule



Eliminated travel to the courthouse



Alleviated anxiety and difficulty expressing their wishes

Judges can also draw on insights from studies on best practices for telehealth visits between doctors and patients to facilitate a welcoming remote hearing environment for children.<sup>5</sup> During remote hearings, judges should be mindful of their own body language, including looking into the camera and displaying appropriate facial expressions. Although some judicial engagement techniques may need to be adapted for remote platforms, the fundamental best practices for engaging children using age and developmentally appropriate techniques remain applicable.<sup>6</sup>



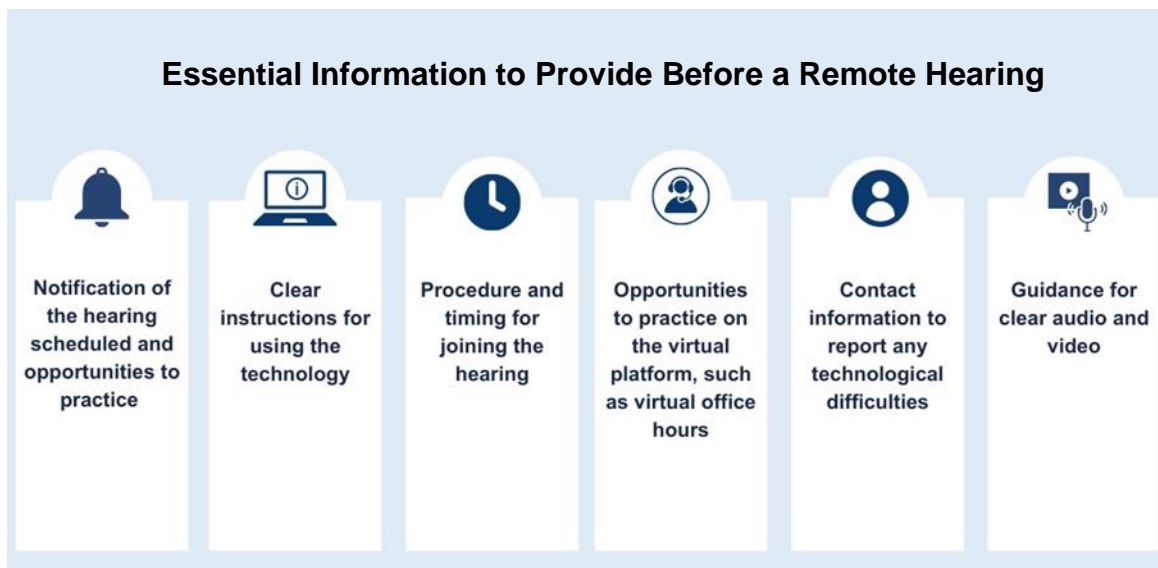
**Recommendation 3:** Ensure children can access technology, technical support, and the information necessary to participate in remote hearings fully.

Children should never miss their hearings or forfeit their ability to participate due to technological issues. **Courts must do their part to ensure children have access to technology that allows them to participate fully.** For example, courts should use a virtual platform that is easy to navigate and enables video, audio, and breakout rooms. Court professionals should communicate with system partners to identify options for when a child does not have the tools to join the virtual hearing, including lending the child the necessary hardware or providing access to a device located within the courthouse or community.<sup>7</sup>

<sup>5</sup> <https://postgraduateeducation.hms.harvard.edu/trends-medicine/best-practices-patient-engagement-telehealth>

<sup>6</sup> <https://www.ncjfcj.org/bench-cards/engaging-youth-in-the-courtroom/#section-overview>

<sup>7</sup> [https://www.acf.hhs.gov/sites/default/files/documents/cb/covid19\\_conducting\\_effective\\_hearings.pdf](https://www.acf.hhs.gov/sites/default/files/documents/cb/covid19_conducting_effective_hearings.pdf)



**Court professionals and system partners should create clear procedures for disseminating hearing log-in information before the hearings.** The procedure should identify the individual responsible for providing the log-in information, practicing navigating the platform with the child, and assisting the child if technological issues arise during the hearing. Several of the young people interviewed received wrong or insufficient information on how to access hearings, including incorrect access codes and inaccurate hearing schedules. One youth stated, “It’s really difficult to log in. I’ve gotten several different codes. I had a caseworker give me a code, and it didn’t work so I’ve missed several Zoom meetings.” If these children had an identified professional to help them navigate technological issues, they may not have missed their opportunity to participate.

“*If I ran court though, I would say whoever wants to come can come, and whoever wants to Zoom in can. Just whatever their comfort level is.*”  
 Youth Interview



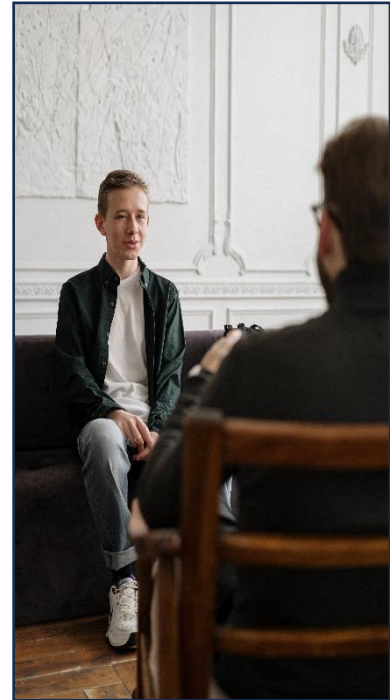
**Recommendation 4:** Give youth appropriate time to prepare and plan for their participation in court with their attorney.

For children to effectively engage in their child welfare hearings, they must be thoughtfully prepared. Adequate preparation for court hearings, facilitated by



Guardians Ad Litem or child attorneys, can help children feel more secure and may mitigate trauma, anxiety, or stress associated with the proceedings.<sup>8</sup> Meetings to prepare a child for court usually include a clear explanation of the purpose of the hearing and the decisions that will be made and a discussion of how the child would like to be supported during the hearing.<sup>9</sup>

Preparation for court hearings is always important but is particularly critical in remote proceedings. Because children are not physically present with their attorney, they may not be able to communicate with them immediately or ask them questions. One of the youth interviewed expressed the importance of preparation. “Definitely when I need to talk [during the hearing], I don’t want to interrupt people. And I try to ask the judge’s permission, but everyone keeps talking and talking and it’s hard for me to get a word in.”



As part of preparation for virtual hearings, attorneys should ensure their clients have the information necessary to join the hearing, have access to a device, and know how to communicate with their attorney during the hearing. The preparation meeting should occur early enough, so issues with access to technology or quiet spaces can be addressed before the hearing. The court can support this practice by setting the expectation with attorneys – or other professionals tasked with preparing the child for the hearing – that these meetings occur days before the hearing date. Thorough preparation before hearings can increase a child’s comfort level and ability to engage.

## Conclusion

Many courts continue remote hearings in child welfare cases, finding several benefits to families and system partners. As courts continue to formalize processes for remote hearings, there is an opportunity to do so to increase the engagement of children.

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<sup>8</sup> [https://www.americanbar.org/groups/gpsolo/publications/gpsolo\\_ereport/2021/november-2021/right-children-be-present-be-heard-meaningfully-participate-their-own-dependency-court-proceedings/](https://www.americanbar.org/groups/gpsolo/publications/gpsolo_ereport/2021/november-2021/right-children-be-present-be-heard-meaningfully-participate-their-own-dependency-court-proceedings/)

<sup>9</sup> Ramirez, Cristal. (2021). *So you want to engage an adolescent client in their case*. National Association of Counsel for Children. [https://naccchildlaw.org/wp-content/uploads/2023/03/nacc\\_yetips.pdf](https://naccchildlaw.org/wp-content/uploads/2023/03/nacc_yetips.pdf)



Courts can cultivate a culture that values children participating in hearings by developing policies and practices that support their participation, sharing expectations with system partners, and ensuring the virtual courtroom is welcoming. The recommendations in this brief, inspired by interviews with children who have participated in virtual child welfare hearings, provide a foundation, and courts are encouraged to talk with young people in their jurisdictions about their experience.

This document was prepared by the National Center for State Courts with funding from the Annie E. Casey Foundation and Casey Family Programs. Points of view or opinions expressed in this report are those of the authors and do not necessarily represent the position, opinions, or policies of the Annie E. Casey Foundation or Casey Family Programs.