



TEXAS CENTER
FOR THE JUDICIARY

2018 Child Welfare Judges Conference

Interviewing Children in Chambers

Hon. Katrina Griffith, Harris County CPS Impact Court Judge

Hon. Tracey Scown, Child Protection Court of West Texas

November 13, 2018

WHY DO I HAVE TO DO THIS?

Why does it matter
if the child gets to
talk to the judge?



Children in foster care are told and believe that Judges make the most important decisions about their (the children's) lives. But they have the impression that the Judge does not care nor considers what is important to the children.



What Actually Happens

Advocates can be...

- Unreliable
- Uninformed
- Absent
- Change frequently
- Paternalistic
- Outdated

When child talks to the Judge

- Helps child accept outcome
- Child better understands legal process
- Judge does not get to make assumptions that might be incorrect



Definition of Trauma Includes

A violation of the person's familiar ideas about the world

Factors that put the person in a state of extreme confusion and insecurity

A deeply distressing or disturbing experience



Developmentally Appropriate Manner

Not Limited to:

- Age
- Maturity
Experience
- Education
Special Needs
- Subject Matter



When Communicating with the Child



- Honest
- Dependable
- Structured
- Safe Atmosphere
- Safe language
- Age appropriate language
- Age appropriate scenarios

Create a Safe Zone

- Physical response: don't touch without permission
- Facial Response
- Emotional Response



Be Prepared

- Children react differently to trauma.
- There is no “normal” reaction.
- If they know that what they are feeling is natural and normal, their feelings become much more manageable for them.



Let Child Know That It's Ok to Talk

- “How do you feel about what happened to you?”
- “What do you think about what happened?”
- “Have you talked to anyone about what happened? I’d be really interested in hearing about what you think. Let me know if you want to talk.”
- “How do you feel about how things were handled?”
- “What do you think should have been done differently?”

LET THEM KNOW YOU ARE WILLING TO LISTEN

- “That’s interesting, can you tell me more about that?”
- “What do you mean by...?”
- “How long have you been feeling...?”



Avoid “Shut-down Statements”

- “Just don’t think about it.”
- “You should talk about something else.”
- “You should just forget it.”

Children need to know it’s ok to feel scared or sad.



You May Not Have All the Answers



- “I don’t know the answer to that.”
- “That’s an interesting question, and I don’t know the answer.”
- “How can we find that out together?”
- “I’ll see if I can find out.”

You Are Not an Expert:

Know your role

Be sure child is getting appropriate expert help

Recommend Child Advocacy Center Interview



Limit Your Emotional Responses

Demonstrate

- Acceptance
- Empathy
- Feelings
- “You seem sad when we talk about this.
- I feel sad, too.”

Encourage

- Their solutions
- Involvement in activities
- Communication with trusted adults
- Positive Expressions:
 - Writing
 - Drawing
 - Playing



EMPHASIZE THE POSITIVE

- You will be there for them.
- They can ask you questions anytime.
- They are in a safe place.
- They need to do their best in school.
- They need to follow rules.
- Their job is to be a kid.



Focus on the Good

- List adults who have shown love, support, and generosity
- Dependable shelter
- Food
- Clothing
- Safety



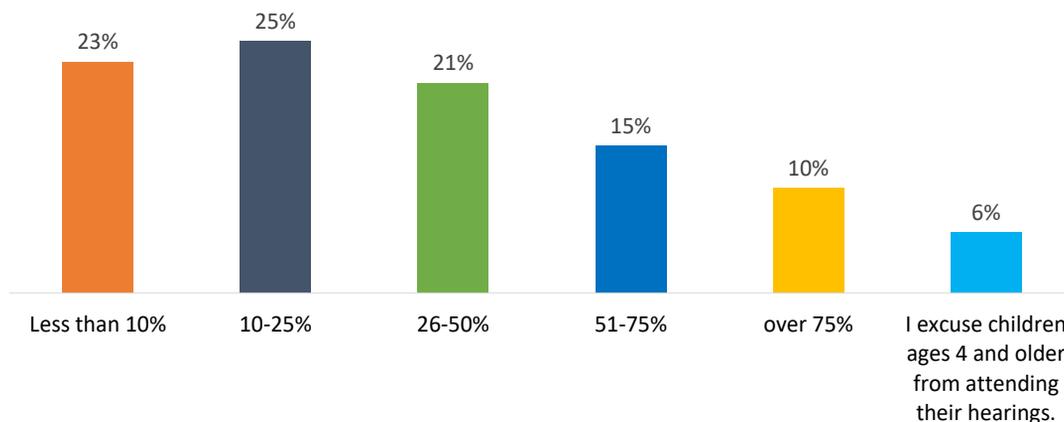
Be Honest

- “I can't promise that.”
- “I want to make sure you are safe and have everything you need.”
- “I have to hear from all of the witnesses before I can decide.”
- “Sometimes witnesses know more about certain topics and that helps me decide.”
- “If it doesn't happen today, we'll keep working on it.”



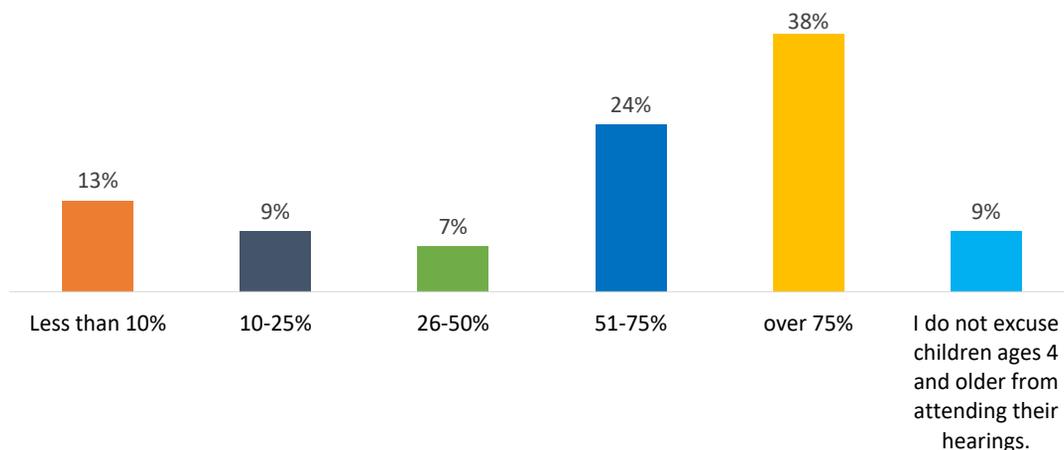
2018 Child Welfare Judges Pre-Conference Survey

Q: In the past year in your court, what percentage of the time do children and youth age 4 and older attend permanency hearings?



2018 Child Welfare Judges Pre-Conference Survey

Q: If you excuse children age 4 and older from attending permanency hearings, what percentage of the time do you do so?



Responses Given for Excusing Children from Attending Hearings

1. Children come to Court only when they ask
2. I never allow children to sit in during hearings
3. Only allow children 12 and up
4. Don't see the need to subject them to Court
5. Unduly burdensome to bring kids to Court
6. Travel time



Responses Given for Excusing Children from Attending Hearings

7. Missing school and extracurricular activities
8. Lack of courthouse and courtroom space
9. AAL decides if the child attends or Court relies on the AAL to inform the Court of the child's desire to attend
10. Lack of time on docket
11. Children are not good witnesses



Additional Resources

- Texas Child Welfare Law Bench Book and Bench Card on Youth Voice
 - <http://texaschildrenscommission.gov/for-judges/bench-book/>
- Round Table Report on Youth Presence in Court
 - http://texaschildrenscommission.gov/media/1324/41718-youth-presence-in-court-proceedings-report_final.pdf



**"To the world
you may be one person;
but to one person
you may be the world."**

Dr. Seuss

source: HeidiCohen.com

