

A Child's Voice: Involving Youth in Child Protection Court Hearings

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When children enter the foster care system, case-workers, attorneys and judges make decisions that will affect their lives for years to come. Often, these children have little say in these critical decisions.

While few statistics exist to measure children's involvement in abuse/neglect court proceedings, anecdotal evidence suggests that, in New Jersey, children's voices are often heard from a distance, as the adults make decisions with an incomplete or even inaccurate understanding of the child's own needs, thoughts and desires.

A solid body of research supports children's involvement in child welfare court proceedings, as does New Jersey statute and court decisions.

In addition, promoting child involvement is consistent with the state's child welfare reforms that have been underway for several years. A cornerstone of those efforts is to closely involve families in addressing the problems that led to a child's placement in foster care. It is widely documented -- and accepted -- that involving parents and children leads to more children being returned safely home.

This policy brief examines the benefits and barriers to children being involved in court proceedings and provides solutions to move New Jersey closer to this child-centered approach to abuse/neglect cases.



Wendy Logan remembers the fear she felt, sitting outside the courtroom, while a judge decided whether she would go back to live with her mother.

"That day, I saw my mother for the first time since I was removed from her and taken to the local police station," says the former foster youth from South Jersey.

"I waited outside the courtroom for the entire court hearing. I waited and waited and waited with such anxiety. I was so scared that I would have to return to my mother. I really didn't know what they would decide for me."

She wasn't even sure if her lawyer knew how Wendy felt and whether the lawyer was fighting for her.

"I don't remember ever meeting a law guardian," says Wendy, who was in foster care from the time she was 12 until she aged out of the system. "I was never invited nor informed about court hearings."

Wendy later learned, with relief, that the judge had decided to allow her to remain with her foster family.

"I know that, in some ways, I'll always be that child waiting outside the courtroom for someone I had never even met to make an immense decision on my behalf," said Wendy, now 24 and earning her master's degree in social work at the University of Pennsylvania.

"We cripple our youth when we don't give them an opportunity to make decisions for themselves. We just assume and then dictate what is best for these youth without even asking them," she added. "It's their life. They should feel some sense of ownership of it. To know that people want to hear the youth's voice demonstrates that they are cared for and matter in society."

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RESEARCH SUPPORTS CHILDREN ATTENDING COURT HEARINGS

Across the nation, child welfare and court professionals are increasingly recognizing the importance of involving youth in the decision-making process, including encouraging their attendance, when appropriate, at court hearings.

At a national summit on the federal *Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections)* in April 2010, more than 100 national, state and local leaders were brought together by the American Bar Association's Commission on Youth at Risk to address how *Fostering Connections* affects youth aging out of foster care. Current and former foster youth also participated. A primary theme emerged from the summit: "Youth must be afforded much greater involvement in the decisions being made about them by judges, attorneys and agencies."¹

In 2004, the Pew Commission on Children in Foster Care stressed the importance and value of including youth in the legal process.

"Children, parents, and caregivers all benefit when they have the opportunity to actively participate in court proceedings, as does the quality of decisions when judges can see and hear from key parties,"² the commission wrote in its 2004 report *Fostering the Future*.

Legal scholars and proponents of children's rights identify the need for children to be present in court, especially at "significant hearings" and express themselves during proceedings that have an impact on their life. The children will benefit and the quality of the decisions will improve.³ Having input and then listening to the rationale of the judge's decision should help youth understand and accept the outcome.⁴

Foster care organizations also support youth involvement in court proceedings and agree that a child's appearance, demeanor and verbal and non-verbal communication provide invaluable information and perspective to judges.⁵

The federal *Fostering Connections* contains several provisions that promote active youth partici-

pation in the decisions that affect them. For example, when considering legal guardianship with a relative as a permanency plan, a child over the age of 14 must be consulted, under the act.⁶ In New Jersey, the law requires consultation at age 12 for a kinship legal guardianship (KLG) arrangement.⁷

The Act's educational stability provisions contemplate consulting with youth about whether they should remain in their current school or be transferred to the school district of their resource parent. New Jersey's school stability statute, adopted in response to *Fostering Connections*, makes a child's preference one of the "best interest" factors that must be considered when deciding whether the child should remain in the current school.⁸

National studies have also established that children and youth in foster care want to be heard in court. Many say they feel that their attorneys do not adequately listen to them or that the legal system is inaccessible to them.⁹

In addition to being able to voice their views and feelings, children and youth can often provide valuable information about relatives, siblings and other factors that can help facilitate either reunification or providing the child with another permanent home.¹⁰

NEW JERSEY LAW AND POLICY

Several provisions of New Jersey statute entitle and even mandate the child's presence at court hearings. The law requires children age 10 or over to attend final adoption hearings unless that appearance is waived by the court for good cause. The child's wishes concerning the adoption are to be given consideration if the child can form "an intelligent preference regarding the adoption."¹¹ N.J.S.A. 30:4C-61.2.b(2) states that the child is entitled to attend the permanency hearing,¹² at which time the judge considers the permanency plan DYFS has developed for the child.¹³ The court should consider and evaluate the information provided by the Division and other interested parties -- which includes the child -- attending the hearing.¹⁴

A 2010 New Jersey Supreme Court ruling said

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that children who are the subject of DYFS litigation cases over age 10 should have the opportunity to express themselves in court and that judges would benefit from hearing their views.

We are mindful that children's wishes may often not be in their own best interests. For example, children may want to be returned to their abusive or neglectful natural parents, who have endangered and continue to endanger their lives. In such cases, it may be not only futile, but contrary to a child's best interest to solicit his or her opinion... We believe in appropriate cases the family court would benefit from hearing the wishes of a child over the age of ten, who has reached a level of maturity that allows the child to form and express an intelligent opinion....Moreover, when a child on his or her own initiative requests the opportunity to express an opinion, the court should allow the child to do so. Because each case will bring to bear particular factors that relate to the psychological well-being of a child, we leave this matter to the sound discretion of the family court.¹⁵

Add to this the fact that New Jersey law requires the court to appoint a law guardian for each child living in foster care who provides independent legal counsel for that child.¹⁶ In all cases, law guardians serve to represent the child's wishes and protect the child's interests as a lawyer represents any litigant.¹⁷ Thus, it would follow that children, as clients, have the same right as other litigants to be present during court hearings.

To effectively carry out their responsibility to be an advocate for their client, law guardians need, in certain cases, to have their client present in court to provide information and respond to new issues raised during a hearing.¹⁸

NEW JERSEY VS. NATIONAL

Twenty-nine states permit children to attend permanency hearings. In New Jersey, children are entitled to attend these hearings.¹⁹ A few states

mandate children's appearance at certain hearings, while a handful limit the appearance to children age 12 and older.²⁰

According to the Pew Commission 2009 progress report, while 96 percent of states initiated some type of activity to enhance the voice of children and families in court, most, like New Jersey, reported training attorneys or Court Appointed Special Advocates, rather than implementing concrete practices to ensure the presence of children, youth and families in court whenever possible. Twelve states have developed standards for attorneys working with children and families and 10 states have launched pilot programs to strengthen court practices involving children and families in court hearings, such as the use of video conferencing when their actual physical presence is not possible.²¹

Connecticut, for example, has a pilot program to ensure that children and youth make a meaningful contribution to court hearings. In addition, the Chief Justice of the Connecticut Supreme Court convened a Committee on Alternatives to Court Appearance to examine when videoconferencing can be used to ensure that children, youth and parents participate in hearings, even if they cannot be physically present.

And, with guidance from the state's Commission on Children, Connecticut's Chief Child Protection Attorney has developed and disseminated Standards of Practice for attorneys representing children, youth and parents.

Florida, by statute and rule, has provided older youth in foster care with opportunities to participate in court proceedings as they transition from foster care to adulthood. Florida law requires the court to hold a judicial review hearing within 90 days after a child's 17th birthday and continue to hold timely hearings thereafter. At each of these hearings, the statute requires that "the child shall be given the opportunity to address the court with any information relevant to the child's best interests, particularly as it relates to independent living transition services."²² Although not mandated by statute, in New Jersey some older youth with independent living as their permanency goal are invited to attend court hearings.²³

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NEW JERSEY PRACTICE

In New Jersey, although law guardians are required by law to represent their client's wishes, they often do so without the benefit of having their client in court or, in some cases, without ever having talked directly to the client.

Because of high caseloads and court schedules, New Jersey law guardians must sometimes rely solely on investigators to gather information from the child. Thus, the child's views are filtered through two different professionals before being presented to the judge. While in some cases Court Appointed Special Advocates (CASA) volunteers meet with the child and report to the court, not all children living in foster care have a CASA assigned to their case.

"The presumption in New Jersey is against children appearing at court hearings," says Amy Vasquez, a former per diem attorney for the Law Guardian Program. "It just isn't a priority."

New Jersey's practice is contrary to New York where Vasquez was a CASA and Philadelphia where Vasquez represented children in child abuse and neglect cases. She said those jurisdictions routinely include children in court hearings.

Vasquez advocated for many of her New Jersey clients to attend hearings because she believes it is important both for the client and the court.

"It's valuable for the court to hear from the child," she said. "And, in most cases, it is a great benefit to the children to see for themselves what happened in court and to be part of that process."

Sometimes, she said, youth can better articulate their position than their law guardian can. In one instance, a teen explained his reasons for wanting to move out-of-state with his foster family, rather than returning to his father. Not only did the court agree with the youth's argument, but the father understood and an agreement was reached.

In another case, a 15-year-old and 17-year-old wanted to attend the emergency hearing to remove children from their home (known as a DODD hearing) to tell the judge that they were not afraid of their mother and wanted to remain

home with services. Just having the youth in the courtroom where the judge could observe their demeanor and size allowed the judge to be comfortable with permitting the youth to return home with services, Vasquez said.

Vasquez said that attending court may not be appropriate for every child and, of course, no child should be forced to attend, unless their testimony is critical to the issue to be determined. However Vasquez says that for the majority of children, attending court hearings is helpful and should be encouraged.

In addition to providing more accurate and complete information to the judge, a child's participation in the court process can have therapeutic benefits for children who have suffered trauma. Research shows that when children who have been abused and neglected participate in court proceedings, they often feel more involved in the decisions, and are better able to accept them even if the decision was contrary to their wishes if they feel their voice was heard. Attending court hearings can demystify the process for youth living in foster care and youth have a better understanding of the rationale for the decisions made by the judge. This translates into an increased likelihood that they will go on to enjoy a healthy adult life.²⁴

BARRIERS TO CHILDREN IN COURT

New Jersey, like many other states, has struggled with issues around youth attending court hearings. Various concerns have been expressed, which are summed up in the following quote in an article by Jaelyn Jean Jenkins:

The main justifications for excluding youth from dependency hearings are: that the hearings are too traumatic for youth; that there is no need for youth to attend because they are already represented; that the youth have nothing to contribute; and that having youth participate is administratively inconvenient.²⁵

All of these reasons have been raised by New Jersey stakeholders at meetings and during youth summits held in 2008 and 2009 by the Law Guardian Program, convened with funding from

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the New Jersey Children in Court Improvement Committee.

CAN YOUTH CONTRIBUTE TO DECISION-MAKING?

One of the most challenging barriers to increasing children's court participation is a perception that children cannot bring credible information to the process.

Research indicates this is simply not true. Children are able to think through problems more like adults than previously thought. For example, developmental psychologists have found that children engage in more reasoned decision-making at age 15. Even under the age of 12, they are able to consider the same amount of information as adults when making decisions.²⁶ Children as young as age six "are capable of having and sharing their view of what happened in the past and what they would like to see happen in the future."²⁷

LOGISTICS

Another major barrier boils down to simple logistics. Adding young voices to the court process will consume more of the court's time, which is already heavily taxed. Children's school schedules would have to be considered when scheduling hearings.²⁸ And, lawyers, judges and caseworkers would have to refrain from using acronyms and legal jargon and instead use plain language in these hearings.²⁹

In addition, some professionals would have to become more comfortable in dealing with children in a court setting – a challenge that many say they feel ill-equipped to meet.

ACNJ acknowledges that these are very real issues that must be addressed in a reasonable way. However, more closely involving children in the decisions made in court would reap considerable benefits for these children and their families and so justifies the effort needed to make this happen.

TOO MUCH INFLUENCE?

Some worry that involving children in court proceedings and the decision-making process will give children too much influence and cause problems in other areas, such as placement choices.

The fact is that a child's wishes should be one important piece to the puzzle – not the final say. The child's health and safety are still paramount considerations for the court and the youth needs to understand this, too.

New Jersey judges also have the right to order a child not attend a hearing or trial, unless the testimony is necessary for the "determination of a matter..."³⁰ This gives the judge the final say over whether it is appropriate for a child to attend a hearing in each particular case.

HOW TO SUPPORT YOUTH INVOLVEMENT

For many youth, attending court will be an emotional experience and they will need support from the many different people in their lives. First among them should be the child's law guardian, who should help the youth decide whether he wants to attend the court hearing and what he would like to say to the judge.

Additionally, many of these children are already or should be seeing a mental health professional, who should assist the youth in making this decision and dealing with the emotions that may surface before, during or after attending court. Resource parents and the child's caseworker should also be important allies in this and other areas of the child's life.

In addition, former law guardian Vasquez says that, in her experience, court staff were helpful in allowing a child into the court room prior to the hearing to get used to the setting and so she could explain the proceeding. This helped to increase their comfort level during the hearing.

RECOMMENDATIONS

1. New Jersey should work toward increasing youth involvement in child protection court proceedings.

New Jersey should follow the lead of other states that have made this a priority by:

- ♦Scheduling certain court hearings like permanency hearings so that children and families can be present -- after school or work, for example.³¹

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- ♦Using videoconferencing to allow youth to participate and permit youth to address the court through voice recording or letter.³²

- ♦Conducting proceedings in a way that is easy for children and youth to understand.³³

2. Law guardians should routinely ask their clients whether they would like to appear in court and facilitate that process in appropriate cases.³⁴

3. Uniform training should be provided for judges, court staff and attorneys to give them a better understanding of child development and the skills needed to effectively interview a child.³⁵

4. Youth should be informed of their right to appear at certain hearings and should be educated about the court process.³⁶

5. Data should be gathered to determine the extent to which children are participating in court hearings. This information should be publicly shared and be used to inform discussions over how to move toward this more child-centered approach in court.

INTERIM STEPS

ACNJ recognizes that these steps require a major shift in the way cases are currently handled and will take time to implement. While we are working on these court reforms, there are other opportunities within the court process to involve youth immediately.

CHILD PLACEMENT REVIEW BOARD HEARINGS

A recent directive from the Administrative Office of the Courts requires Child Placement Review (CPR) Boards to conduct a more detailed review of a child's case once the child has been in care for 45 days.³⁷ CPR Board volunteers are trained to interview children and other interested parties and can gather information about the child's health, placement, contact with parents and siblings and potential relative placements.

The CPR Board hearing is less formal than a court hearing. Trained board members have more time to engage the youth and explain the process

in detail. These hearings are also a good opportunity to educate and engage resource parents.

BENCHMARK HEARINGS

Benchmark hearings are recommended for older youth who have been in foster care for at least one year. Unfortunately, only a few counties hold these child-centered hearings, which are a good way to involve older youth in the decision-making process.

Unlike most court hearings, benchmark hearings are designed to be more informal – essentially a conversation between the judge and the youth -- where no court orders are issued. This is the perfect opportunity for older youth to talk to the judge about concerns, future goals and plans. The judge can then help ensure that those needs are addressed in a timely manner. The minor, with the help of the law guardian, should identify the issues to be addressed and individuals who should attend the hearing.

Under the current benchmark hearings protocol,³⁸ the youth, the caseworker and the law guardian must attend the hearing. The youth determines whether he/she wants the resource/foster parent(s) and/or members of his/her birth family at the hearing. Ideally, benchmark hearings should be held for youth who have been in care for at least one year at age 12, 15, 16 and 17. More of these hearings should be happening across New Jersey.

MEDIATION

In November 2009, Judge Glenn A. Grant issued Directive #11-09 mandating statewide implementation of mediation in child welfare cases, including child placement review, abuse and neglect, termination of parental right and kinship legal guardianship cases.³⁹ Today, every New Jersey vicinage has experienced mediators who have received specialized training for child welfare cases.

Through a pilot program begun in 2000, ACNJ learned that mediation is often the first - and only time – parents, DYFS staff, relatives, resource parents and lawyers -- sit down together to discuss what is best for the children. This process can lead to a deeper understanding of the issues

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affecting the family and resolution of problems around health and education issues, contact with family members, implementation of services and placement.⁴⁰ A conversation that takes place outside the courtroom, mediation allows all the parties to take the necessary time to focus on the case so people can calmly discuss issues and concerns and ask questions that there is no time for in court.

Mediation provides a great opportunity for engaging youth and should be used on a regular basis.

CONCLUSION

Having children present at court hearings can sharpen the focus on the needs of the child, provide more complete information to assist judges in making sound decisions, give youth more of say in the decisions that affect their lives and help them live with those decisions in the years to come.

ACNJ acknowledges that there are significant barriers to accomplishing this, but urges judges, law guardians, DYFS workers and others involved with children in court to begin taking the steps outlined in this report to involve these children more closely in the decisions that shape their future.

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For more information about this issue, visit www.kidlaw.org or contact Mary Coogan at mcoogan@acnj.org.

ENDNOTES

¹ "Chartering a Better Future for Transitioning Foster Youth: Report from a National Summit on the Fostering Connections to Success Act" (American Bar Association Commission on Youth at Risk, 2010) Executive Summary at page 5.

² "Fostering the Future: Safety, Permanence, and Well-Being for Children in Foster Care," at page 42 (The Pew Commission on Children in Foster Care, 2004) available at <http://www.pewfostercare.org/research/docs/FinalReport.pdf> (last visited April 17, 2011).

³ "Charting a Better Future for Transitioning Foster Youth," *supra*, note 1, at 28-9; Khoury, Andrea, "Seen and Heard: Involving Children in Dependency Court," 25 *Child Law Practice* 10 at 145-46 (American Bar Association, December 2006) citing the National Council of Juvenile and Family Court Judges' "Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases" at 69 (Spring 1995), the American Bar Association "Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases" (Approved 1996), and the National Association of Counsel for Children "American Bar Association Standards of Practice for Lawyers who Represent Children in Abuse and Neglect Cases (NACC Revised Version) April 21, 1999, D-5, D-6; Krinsky, Miriam Aroni & Rodriguez, Jennifer, "Giving a Voice to the Voiceless-- Enhancing Youth Participation in Court Proceedings", 6 *Nev. L.J.* 1302, 1305 (2005-2006).

⁴ Jenkins, Jaelyn Jean, "Listen to Me! Empowering Youth and Courts Through Increased Youth Participation in Dependency Hearings, 46 *Family Court Review* No. 1, 163, 168-69 (Association of Family and Conciliation Courts January 2008) citing Miriam Aroni Krinsky, "The Effect of Youth Presence in Dependency Hearings," *Juv. & Fam. Just. Today* (Fall 2006), at 18.

⁵ *Id.* at 170-71; Krinsky & Rodriguez, *supra*, note 3 at 1305; Khoury, *supra*, note 3 at 146.

⁶ P.L.110-351 §101(d)(3)(A); 122 STAT 3949, 3951.

⁷ *N.J.S.A.* 3B:12A-6.a(7).

⁸ *N.J.S.A.* 30:4C-26.b.3(f)(5).

⁹ Ross, Catherine J., "A Place at the Table: Creating Presence and Voice for Teenagers in Dependency Proceedings," 6 *LEXSEE Nev. L. J.* 1362 (2006); see also Heimov, Leslie Starr, Donnelly, Amanda George, & Ventrell, Marvin, "The Rise of the Organizational Practice of Child Welfare Law: The Child Welfare Law Office," 78 *University of Colorado Law Review* 1097, 1103 (2007); "Home at Last, My Voice, My Life, My Future: Foster Youth Participation in Court: A National Survey" (2006).

¹⁰ See Jenkins, *supra*, note 4 at 174.

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¹¹ N.J.S.A. 9:3-49.

¹² The federal *Child and Family Services Improvement Act of 2006* directs the court to conduct age-appropriate consultation with the child during permanency hearings. P.L. 109-288, §10(3).

¹³ N.J.S.A. 30:4C-61.2.

¹⁴ N.J.S.A. 30:4C-61.2.b.

¹⁵ New Jersey Division of Youth and Family Services v. E.P., 196 N.J., 88, 113-14 (2008).

¹⁶ N.J.S.A. 9:6-8.23; The federal Child Abuse Prevention and Treatment Act (CAPTA) mandates that courts appoint a *guardian ad litem* to all children involved in child abuse and neglect proceedings. 42 U.S.C. § 5103a (b)(2)(A).

¹⁷ N.J. Div. of Youth and Family Services v. Robert M., 347 N.J. Super. 44, 70 certif. denied, 174 N.J. 39 (2002); In re Maraziti, 233 N.J. Super. 488, 493-94 (App. Div. 1989).

¹⁸ See Ross, *supra* note 9 at 3 (“But the appointment of attorneys, even good, well-trained attorneys is likely not sufficient to give children voice in dependency proceedings unless young people have the chance to tell their stories in court, and unless judges listen.”)

¹⁹ N.J.S.A. 30:4C-61.2.b(2).

²⁰ “Court Hearings for the Permanent Placement of Children: Summary of State Laws”, Child Welfare Information Gateway, Children’s Bureau, Administration for Children and Families, U.S. Department of Health and Human Services (March 2009) available at http://www.childwelfare.gov/systemwide/laws_policies/statutes/planningall.pdf (last visited April 17, 2011); See also Jenkins, *supra* note 4 at footnote 48.

²¹ “Kids are Waiting: Fix Foster Care Now: Progress on Court Reforms: Implementation of Recommendations from The Pew Commission on Children in Foster Care” at pages 13-17 (October 2009) available at http://www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Reports/Foster_care_reform/KAW-Courts-Assessment-October2009.pdf?n=5828 (last visited April 17, 2011)

²² Id.

²³ Floria, Sallyanne, P.J.F.P., “More Good Than Harm: Legal Orphans and the New Jersey Post-Termination Project” 59 Juvenile and Family Court Journal No. 2 at fn. 59 (National Council of Juvenile and Family Court Judges, Spring 2008).

²⁴ See e.g. Krinsky, Miriam Aroni & Rodriguez, Jennifer, *supra*, note 3 at 1303 and 1307 suggesting the importance of perceived fairness in court proceedings coupled with a youth’s ability to understand and be a part of major decision making that will impact his or her life, positively affects the youth’s psychological functioning; Khoury, *supra*, note 3 at 151; Jenkins, *supra* note 4 at 169-170.

²⁵ Jenkins, *supra* note 4 at 171.

²⁶ Anzelc, John, Melissa Cohen and Sarah Taylor, “Comment on the Committee’s Model Act Governing Representation of Children in Abuse and Neglect Proceedings,” The Michigan Child Welfare Law Journal Volume XII, Issue IV at 5 citing other sources (Summer 2009).

²⁷ Jenkins, *supra* note 4 at 173 citing Randy Frances Kandel, “Just Ask the Kid! Towards a Rule of Children’s Choice in Custody Determinations,” 49 U. Miami L. Rev. 229 (1994) and Katherine Hunt Federle, “Looking Ahead: An Empowerment Perspective on the Rights of Children,” 68 Temp. L. Rev. 1585, 1600 (1995).

²⁸ Krinsky & Rodriguez, *supra* note 3 at 1307; See Ross, *supra* note 9, (“role of education in the lives of foster children”).

²⁹ Jenkins, *supra* note 4, at 173-74; Krinsky & Rodriguez, *supra* note 3 at 1304.

³⁰ N.J. Court Rule 5:12-4(b).

³¹ Jenkins, *supra* note 4, at 174.

³² Id. at 164.

³³ Krinsky & Rodriguez, *supra* note 3 at 1305-06.

³⁴ Ross, *supra* note 9, at 5.

³⁵ Jenkins, *supra* note 4 at 174; Heimov, Donnelly and Ventrell, *supra* note 9 at 1106.

³⁶ Jenkins, *supra* note 4, at 173 citing Krinsky & Rodriguez at 1306; Donnelly, Amanda George, “The Law and Practice of Youth Participation in Dependency Cases,” 29 The Guardian 4 at 2 (National Association of Council for Children Fall 2007); Ross, *supra* note 9, at 6.

³⁷ http://www.judiciary.state.nj.us/directive/2010/Dir_04_10_10.pdf (last visited April 17, 2011)

³⁸ Protocol and other documents for benchmark hearings can be found at www.kidlaw.org.

³⁹ http://www.judiciary.state.nj.us/directive/2009/dir_11-09.pdf.

⁴⁰ “Mediation, A Helpful Tool in DYFS Cases,” (ACNJ 2003) available at www.kidlaw.org.