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LEARNING FROM LIVED EXPERTISE:

Top 10 Ways to Cultivate a Culture of Engagement in the Courtroom

by **Kayla Powell**

I attended a statewide meeting several months ago where a student attorney shared, “while each judge had a different way of doing things in their courtroom, they all had the same outcome.” I really struggled with this comment, especially as I reflected on my own experiences growing up in the foster care system from ages two to eighteen. What still resonates for me today are the adults who took time with me by consistently showing up for meetings, responding timely to my questions, asking me curious questions to get to know me as a human and not just a case file, and just simply caring about me.

In our work, it is far more important that we focus on **how** we do things as opposed to **what** we do. We all hold professional roles, whether it be an attorney, a judge, a social worker, or some other advocate for youth. These roles are important, and just as important is how we're showing up to these roles. Are we building transformational relationships rooted in empathy and trust? Are we taking time with those we're serving? Are we intentionally cultivating cultures of engagement, so youth can be heard and “best interest” can be achieved?

Cultivating a culture of engagement in the courtroom is the responsibility of adult professionals, not of youth. Below are ten ways we all can cultivate a culture of engagement in the courtroom:

- 1 Practice transformational relationships.** Relationships are built when we share space and time with others. Relationships are maintained when bidirectional humanity, empathy, and trust is exchanged. Relationships are critical to engagement, critical to equity, and critical to “best interest” determinations. Often in child welfare work, we default to transactional relationships that are rooted in efficiency. Taking time with those you serve to truly understand them and so they can understand you, authentically partnering with them to create the outcomes they want for themselves, and empowering and championing their voice throughout the legal process are ways to practice transformational relationships.
- 2 Prepare youth for court.** Attorneys should physically meet with youth before the day of their court hearing to listen to their wants and concerns, review the purpose of the hearing, the decisions that may be made, opportunities for youth to engage during the hearing, pros and cons of what may happen, what youth want to happen, and answer any questions youth may have. Preparing youth for court also includes arranging reliable transportation (coordinating with the child welfare agency, helping procure bus/Uber/Lyft stipends, etc.) and helping youth acquire clothing that they feel best represents themselves.
- 3 Break the ice.** Start a hearing with easy questions, such as “what’s the best meal you’ve had all week?”, “what’s the best thing that’s happened to you all week?”, “what are you watching on TV right now?” These types of questions humanize the space and in turn can make youth more comfortable to speak up during the rest of the hearing.

- 4 Ask youth how they would like to be addressed.** Before and during court, all professionals should directly ask youth what name they prefer to go by, how to pronounce their name, and what pronouns they use. A youth's attorney should affirm and advocate for their client when others are not appropriately addressing them.
- 5 Use a warm or neutral tone of voice.** When I attended my court hearings, my judge was cold, and it was intimidating. I still remember that about him today. Like adults, youth do not like to be lectured or scolded, especially by someone we don't feel has a relationship with us. Remember that how we say things is just as important as what we're saying. Dr. Dan Siegal once said, "the most powerful tool a human holds is their tone of voice."
- 6 Create space for youth to speak up.** During hearings, simply asking "do you have anything to add?" or "what do you think?" are ways to create and invite youth to participate in their own hearings. Youth should also know they can write and pass notes to their attorney during hearings to either have their attorney share something for them or to let their attorney know they would like to say something.
- 7 Empower youth to end their hearings.** This requires challenging the status quo as power is often demonstrated by who starts a conversation and who ends it. Inviting and empowering youth to end the hearing by sharing their reflections or their truth is a great way to remind everyone, including youth, that they are central to the case and that they matter.
- 8 Provide multiple ways for youth to interact with their judge.** Speaking during a court hearing can be intimidating and youth may not feel comfortable sharing things or asking for what they need. Youth should know they can write their judge (and be provided with postage-paid envelopes to do so) and that they can request a 1:1 with their attorney present.
- 9 Breakdown the legal process.** Acronyms, legal jargon, and fancy titles can easily overwhelm youth and prevent them from understanding what's happening. I was advised by my GAL that the most important thing for me to know about court was to refer to my judge as "Your Honor." This was incredibly overwhelming. When my judge asked me questions, I couldn't even process them because I was so focused on appropriately responding with "Your Honor." I genuinely believed I would be punished if I didn't. I also never understood any of the hearings I attended. I was so confused that I didn't even know what questions to ask.
- 10 Debrief with youth after court.** After court, youth's legal representative should visit with them about what happened during court, why it happened, what's going to happen between this court hearing and the next court hearing, answer each question the youth has, and ask the youth what they thought went well and what didn't. For example, when walking out of court, my attorney would say "keep doing what you're doing, and I'll see you here again in three months." This was not at all helpful. I didn't know what just happened in that court hearing, what I should be doing for the next three months or what everyone else would be doing for the next three months to get me out of my group home. The uncertainty left me feeling hopeless. My attorney was supposed to be bold and to make sure I was safe (including emotionally), healthy and well, but I felt like we were just going through the motions.

This list is not exhaustive, and you may already be doing some of them. I challenge each of you, regardless of your role, to identify more ways to cultivate the culture necessary for youth to be seen and heard. It's up to all of us to intentionally focus on how we do things to create the communities and futures youth deserve. ■