

Attending Court Hearings

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Why Attend Court Hearings?

If you are in foster care you can attend court hearings about your case. Your court hearing is an important opportunity for you to participate in your case.

Benefits to attending your court hearing include:

- You can see and hear the judge make the final decisions in your case.
- You can tell the judge and others about unresolved issues or concerns. If there are questions, you can answer them. Court hearings bring together everyone involved in your case in one room. Sometimes when your caseworker changes, things get lost in the shuffle. The judge won't know about the special facts of your case unless you are there.
- You can make sure you have a say about your placement, your medication, your education and your how you age out. If you are happy with your current life, attending court hearings means you can make sure it stays that way, and you can have a say in your future.
- The court case is about you. You feel like you have more control over your life if you are a part of the decisions that affect it. Judges should want to hear from you. Talking to the judge during the court hearing means that the judge can find out if you are getting the support you are supposed to, and can make sure you get it if you are not.
- Court hearings are a good place to learn to advocate for yourself, which means you speak up to support yourself and what you want.

What If I Don't Want to Go to the Court Hearings?

If you don't want to attend court hearings, you can let your attorney ad litem, guardian ad litem/CASA, foster parents or caseworker know. They may want to know why you don't want to go, and it's good for you to tell them. If you want something to change, the best way you can help change it is to go to the court hearing so the court knows what is wrong, and what should change.

When are Court Hearings Held?

You can expect to have a court hearing at least every 6 months after parental rights are terminated and you are in the permanent managing conservatorship of CPS. Sometimes hearings are held more often.

How Do I Get to Go to the Court Hearings?

Foster youth regularly attend their court hearings in many counties. Some counties don't always make arrangements so they can go, or else some judges don't allow it. If you want to attend your court hearings, here are some ideas for what you can do:

- *Tell Everyone Involved in Your Case that You Want to Attend Court Hearings*

Tell your foster parents, attorney ad litem, guardian ad litem/CASA, caseworker and caseworker's supervisor that you want to attend your hearings. Start telling them now, even if your next hearing is not for months. Tell them that it is important to you, that you want to feel you have a role in the decision process, and that you have a right to attend. Make sure they work with you to plan how you will get to the hearing, and also back from it.

- *Keep a List*

Keep a list of who you tell, when you tell them and what they say. If you just leave your caseworkers messages, put that on your list as well. The best place to keep this list is in a special notebook. Write down whenever you contact them, even if you just leave a message. This list will be a record for who you contacted and what you said in case people forget and need to be reminded.

- *Write Them*

If the people you contact are not responsive, and are not helpful, write a letter to them saying all of the same things. Also write a letter to the judge in your case, telling the judge all of the same things and asking the judge to make sure that CPS and your foster parents get you to the hearing. You can attach a copy of **Right of Foster Youth to Attend Court Hearing Legal Memorandum** with your written request. Try to make and keep copies of your written requests or at least a list of who you send it to and the date. You can keep this in your notebook.

What if the Judge Does Not Allow Foster Youth to Attend Court Hearings

- *Judge Thinks You Are Too Far*

If the Judge thinks the court hearing is too far away for you to travel, you can ask to join by phone or video conference. This may take more time to plan, but it will be worth it. The court hearing is about your life and your future and those involved need to take the time to plan so you can participate.

- *Judge Doesn't Want You To Miss School*

Some judges think it's not good for foster youth to miss school. You can ask the judge to schedule the hearing on a day when you don't have to go to school. You can tell the judge that it is important for you to be a part of the process when people are planning your future. It is a part of your education, and if you are doing well in school, being a part of that process may be more important than one day of class. If you have a lot of unexcused absences from school, maybe it is more important to go to class. If you think that you could do better in school, but that there is something about being in foster care that makes it harder, you should tell the judge during your court hearing.

- *No Reason Except Judges Don't Want Foster Youth to Attend Court Hearings*

Some judges just don't want foster youth to attend court hearings. Remember, many foster youth in Texas regularly attend their court hearings. There are only a few times when it might not be best for a foster youth to be in the court room during a hearing, usually early in CPS cases. Otherwise, you will probably benefit from being at your hearings.

If you have an attorney ad litem, you can remind the attorney that they are your attorney and they have been appointed by the court to serve you in the way that all lawyers serve their clients. If you want to go to court, your attorney needs to argue in the court that you should attend the court hearings. You can give your attorney a copy of **Directing Attorney Ad Litem to Advocate for Foster Youth to Attend Court Hearings** to help them. If the attorney ad litem refuses to file a motion for you to attend court hearings and seek a formal court ruling, you should tell the attorney you will file a grievance with the State Bar of Texas because the attorney is not following your directions. If the attorney says they made a request for you to be able to go to hearings and it was refused, tell the attorney to discuss with you whether or not you should appeal that decision and get a higher level court to review the decision. If the attorney refuses to discuss it with you or if the attorney won't take the necessary steps for high court review after you tell the attorney you want to file an appeal, you can file a grievance because the attorney is not following your directions. *To file a grievance, call the State Bar of Texas Grievance Hotline at 1-800-932-1900.*

If you don't have an attorney ad litem or if your attorney ad litem has refused to assist you, call the Texas Foster Youth Justice Project at 1-877-313-3688 for assistance, representation and guidance. You can also email us at info@texasfosteryouth.org.