

Q: HOW OLD DO YOU HAVE TO BE TO GO TO COURT?

A: All children can, **and should**, go to court. There is no age limit. The judge has to make important decisions about all children involved in the case and should get a chance to see them, talk to them, and listen to them. Judges can learn a lot by watching even little babies interact with their caregivers, and seeing how they grow between hearings.

Q: EVERYONE ELSE HAS A LAWYER, CAN I GET ONE TOO?

A: Maybe. The law says you can have a lawyer represent you, but it does not say that the state has to pay for your lawyer or find one for you. Your local legal aid or law school clinic might be able to represent you or find a lawyer for you. If you want a lawyer, you should ask the court to appoint one for you.

Q: HOW DO I FIND OUT WHEN THE COURT HEARINGS ARE GOING TO TAKE PLACE?

A: Your attorney, guardian ad litem or caseworker should make sure that you get notice of hearings and copies of the pleadings (documents) filed in your case. Your caregiver is also supposed to get notice of hearings, so you can check with them as well. If you do not know when the next hearing is, ask someone. Keep asking until you know you are getting notice of every hearing.

As of June 1, 2012 Florida Rule of Juvenile Procedure 8.255 was changed to read:

RULE 8.255. GENERAL PROVISIONS FOR HEARINGS

(b) Presence of Child.

- (1) The child has a right to be present at all hearings.
- (2) If the child is present at the hearing, the court may excuse the child from any portion of the hearing when the court determines that it would not be in the child's best interest to remain.
- (3) If a child is not present at a hearing, the court shall inquire and determine the reason for the absence of the child. The court shall determine whether it is in the best interest of the child to conduct the hearing without the presence of the child or to continue the hearing to provide the child an opportunity to be present at the hearing.
- (4) Any party may file a motion to require or excuse the presence of the child.

THE FLORIDA SUPREME COURT WANTS YOU!



To Go To Court & Be Heard!

Many kids in foster care don't go court to see what is happening in their case.

Kids have always had the right to go to court. But some people don't think kids need to be there, and others don't want to make arrangements to get the kids to court.

Sometimes, kids don't know about their court hearings, are worried about missing important activities, are scared of what might happen or don't know how they will get to and from court. So far, it has been up to each judge to even question why the child wasn't there.

But starting on June 1, 2012, the rules are going to change! **If the child is not at the hearing, the judge will have to find out why.** Then the judge will have to decide whether it is in the child's best interest to postpone the hearing so the child can be there, or to go ahead without the child.

The purpose of this rule change is to make sure that you attend your court hearings and that you have a real chance to have the judge listen to you.

Florida Youth SHINE has been working hard for many years to make sure that all kids get the chance to see what's happening and to be heard. That hard work is paying off!



**This Fact Sheet has been prepared by
Florida's Children First and Florida Youth SHINE**



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Q. HOW DO I GET TO COURT?

A: Let your Attorney, Guardian ad Litem and/or case worker know that you want to attend court. Sometimes, the person who looks after you will bring you to court, but sometimes your case worker or someone who works with your case worker will bring you to court.

Q: WHAT HAPPENS IF THE HEARING IS SCHEDULED WHEN I HAVE AN IMPORTANT TEST, FIELD TRIP, OR AFTER SCHOOL ACTIVITY?

A: Tell your Attorney, Guardian Ad Litem, Caseworker or Caregiver about the conflict and ask them to see if the hearing can be re-scheduled.

Q: COURT IS REALLY FAR AWAY, AND I HAVE TO MISS TOO MANY THINGS TO GET THERE. CAN I PARTICIPATE BY PHONE?

A: You may be able to attend by phone, Skype or videoconference. It is not as good as being there in person, but it's better than not attending.

Q: I AM NOT SURE THAT I WANT TO HEAR EVERYTHING THAT IS HAPPENING, DO I HAVE TO STAY IN THE WHOLE TIME?

A: No, you may leave the courtroom if you are not comfortable.

Q: WHAT IF I WANT TO STAY THE WHOLE TIME, BUT OTHER PEOPLE THINK I SHOULD NOT BE THERE?

A: Any party can ask the judge to send you out of the courtroom for parts of the hearing. Usually they do that because they think you need to be protected from hearing things about your parents. If you really want to stay, you can try telling the judge why you think you should stay.

Q: I FIND COURT VERY CONFUSING. NO ONE HELPS ME UNDERSTAND WHAT IS HAPPENING.

A: Just going to court without being prepared is confusing – and unfair. Ask your Attorney, Guardian ad Litem or Caseworker to talk to you before the hearing. Find out: the purpose of the hearing, who is going to be there, what issue the judge is supposed to decide, what kind of questions you might be asked. After the hearing is over, ask them to explain what just happened and what will happen next. If you are upset by what happened in court – ask for help! Talk to your therapist or other trusted adult – don't keep it bottled up.

Q: DO I HAVE TO GO TO COURT IF I DON'T WANT TO?

A: No, in most cases the judge will not force you to go if you really don't want to. BUT it's your life and you are in the best position to tell the judge what is really happening and what you need.

Q: I ALWAYS GET NERVOUS AND FORGET TO TELL THE JUDGE IMPORTANT THINGS – WHAT SHOULD I DO TO PREPARE?

A: You should write out a list of things you want to make sure the judge knows. If you think you will be too nervous to speak, you may write a letter to the judge. It also helps to review your concerns with someone you trust and ask them to remind you.

Q: WHAT IF I WANT TO TELL THE JUDGE SOME THINGS BUT I DON'T WANT TO DO IT IN FRONT OF CERTAIN PEOPLE WHO ARE USUALLY IN COURT?

A: Ask someone you trust (your lawyer, GAL or caseworker) to help you get to speak to the judge privately. If there is no one you trust to do that, you can write a letter and give it to the judge in court.

Q: WHAT HAPPENS IF THERE ARE PEOPLE IN THE COURTROOM FOR OTHER CASES AND I DON'T WANT THEM TO KNOW WHAT IS GOING ON?

A: Ask if the courtroom can be cleared or if the parties can approach the bench, or if your case can go last.