

Children’s Attendance at Court

(Reviewed 06/30/23)

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Forms

The following form is referenced in this policy:

- Kids and Teens in Court Program Referral

Policy

Per WIC 349, “A minor who is the subject of a juvenile court hearing and any other person entitled to notice of the hearing under Sections 290.1 and 290.2, is entitled to be present at the hearing.” Children/youth and their dependent siblings/half siblings must be [noticed](#) of hearings.

Additionally, the child/youth has the right to be represented by counsel of their choice. If the child/youth attend the hearing, the court will inform the child/youth of their right to participate and address the court if they choose to.

Attendance Requirements for Children/Youth

Per San Diego Local Rule 6.1.15, Presence of Child at Court Hearing, this rule “governs the attendance of children at court hearings unless the child is present by subpoena, the desire to be present, or by other order of the court.”

Children under four (4) years of age are excused from attending all court hearings unless they are subpoenaed, want to be present at court, or are under other order of the court to be present.

Children and youth four (4) years of age and older must attend if:

- Directed to attend by the court.
- Requested to attend by a party or their counsel, and the court finds that:
 - Attending would not be detrimental to the child.
 - The child/youth is not otherwise unable to attend due to disability, physical illness, or medical condition.

Attendance Requirements for Children/Youth (cont.)

The court should excuse the child/youth only for the portions of the proceeding that the court finds detrimental. For any concerns regarding the child/youth's court attendance, the Social Worker (SW) will reach out to minor's counsel.

Children and youth are not to be brought to court solely for them to confer with their attorneys or to visit with their parents. When a child/youth plans to be present, the SW will inform the minor's counsel in advance (if appointed), and [document](#) in the court report the child/youth's planned attendance.

Notice Requirements for Children/Youth and Dependent Siblings/Half-Siblings

All children/youth have a right to attend court if they would like to. Notice of hearings is legally required for children/youth 10 years of age and older.

Additionally, pursuant to WIC Sections 290.1 through 295, all known dependent siblings and half-siblings of the child/youth are required to be noticed for the following hearings:

- Detention Hearings
- Jurisdictional and Dispositional Hearings
- Review Hearings
- 366.26 Hearings

For information on notice requirements, refer to:

- Notice for Detention, Jurisdictional, Dispositional, Special Hearings, Contested Hearings, PSCs and SCOs
- Notice – Review Hearings, PP Hearings, and NMD Hearings
- Notice - Non-Citizens, Hague Convention
- Notice - 366.26 Hearings
- ICWA Inquiry and Noticing Manual
- EFC - Court

At the hearing, the Juvenile Court will:

- Determine whether the child/youth was given an opportunity to attend their hearing and if they wanted to attend or not.
 - If not, continue the hearing so the child/youth can be properly noticed and attend unless the court finds that it is not in the child/youth's best interest.
Note: The SW will prepare an addendum for the continued hearing and document their notice efforts for the child/youth.
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Documentation of Notice in Court Reports

In the Notice section of the court report, the SW will:

1. document the date and location of when notice was given.
 2. questions asked of the child/youth regarding their decision to attend.
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Documentation of Notice in Court Reports (cont.)

3. use quotes when documenting the child/youth's response regarding their decision to attend the hearing.

Example, "On (date), PSW (name) met with (child's name) at the home and provided verbal notice of the hearing and their right to attend. PSW (name) asked (child's name), "Do you want to attend the hearing on (date)?" (Child's name) responded, "Yes." PSW (name) discussed transportation with the caregiver and the caregiver agreed to transport (child's name) to the hearing. PSW (name) ensured (child's name) had transportation for the hearing."

Transportation for Court Hearings

If the child/youth would like to attend their court hearing, the SW will make the necessary transportation arrangements with the caregiver, parent, tribe, minor's counsel and/or Court Appointed Special Advocate (CASA). The SW will document those efforts in the Notice section of the court report and attempt to resolve any transportation barriers prior to the hearing. If there are no other means for the child to attend the hearing, the SW will transport the child/youth themselves or arrange for other CWS staff to assist with transportation.

Children Waiting at Court

The court understands the need to see cases with children/youth present first; however, this may not always occur. If children are attending their court hearing, families/SW can utilize the children's waiting rooms at each courthouse. Children/youth may wait up to several hours before they are excused or called to court. SWs should inform the child/youth's caregiver to plan accordingly of expected waiting times. Regardless of the child's age and level of maturity, no child/youth may be left unattended for any period of time.

Children's Waiting Room Guidelines

- Children/youth under the age of 16 can access the children's waiting rooms.
- It is first come, first serve, and East and Vista are the busiest locations.
- Capacity varies depending on location.
- Per court policy, only the parent/legal guardian or SW can sign the child/youth in; stepparents and resource parents cannot sign the child/youth in.
- The parent/legal guardian or SW will need to complete the registration form and wait until staff have reviewed the form and has accepted the child/youth into the room.
- Adults are not allowed to stay in the children's waiting room.
- The children's waiting rooms do not accept children/youth that are sick or have any other contagious illness.

The table below outlines the children's waiting room hours by location. The hours of the waiting rooms are subject to change without notice.

Children Waiting at Court (cont.)

Courthouse	Hours
East and Vista	Monday-Friday 8:00 am – 12:00 pm and 1:00 pm – 5:00 pm
Meadow Lark	Monday-Friday 8:00 am – 12:00 pm only

Teen Waiting Room

The Meadow Lark courthouse has a Teen Waiting Room (located on the second floor) that is equipped with laptop computers, noise cancelling headphones, copy machines, art supplies, snacks, and a private space for youth to speak with their attorney. The youth's CASA typically accompanies the youth in the waiting room; however, the SW will need to ensure supervision is arranged when the youth is in the waiting room.

Kids and Teens in Court Program

The [Kids and Teens in Court \(KTIC\) program](#) provides children/youth who are called as witnesses in Juvenile Court, Criminal Court, Family Court (divorce/custody, restraining orders) cases and Immigration cases with an explanation of court procedures and prepares them for the court experience. The KTIC program is run by a grant through Rady Children's Hospital.

Referrals to KTIC Program

The KTIC program assists children/youth ages 4-17 years old and can work with nonminor dependents on a case by case basis. Anyone can refer children/youth to the KTIC program i.e. SW, minor's counsel, District Attorney, victim advocate, therapist, etc. Families can also self refer by calling the office. Professionals can complete the KTIC electronic referral form and email to:

- [Leslie Peterson](#) or,
- [KTIC Program](#)

When a child/youth will be, or may be, called as a witness, the attorney calling the child/youth will inform the minor's counsel. The minor's counsel will arrange for the child/youth to attend the KTIC program. The SW will assist with referring the child/youth as needed.

Requirements

An adult must accompany the child/youth i.e. the SW, non-offending caregiver, STRTP staff or CASA. Caregivers are encouraged to attend so they can also be prepared for the court experience and help alleviate any of the child/youth's worries.

**Kids and Teens in
Court Program
(cont.)**

Locations

The KTIC offers individual sessions at their Chadwick Center offices or at the Juvenile Court Meadow Lark courthouse and Downtown courthouse. Children/youth can be seen at any of the locations where the KTIC program is offered and does not need to align with their assigned case courthouse.

Transportation

Transportation is not provided by the KTIC program. The SW will assist with arranging or providing transportation to the KTIC program.

Alignment with SET

This policy supports the following SET [Value 4](#): Shared Responsibility with Community Partners, through using community resources to help support the child's voice in court. Additionally, it supports SET [Value 5](#): A Strong Working Relationship with the Legal System, through collaborating with the child's attorney to ensure that the child feels as supported as possible when testifying in court.
