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**TO: Assignment Judges
Trial Court Administrators**

FROM: Michael J. Blee, J.A.D. 

DIRECTIVE #05-26
**[Supersedes Directive #15-18 and
Supplement to Directive #15-18]**
Questions or comments may be directed to
609-815-2900. ext. 55350

**SUBJECT: Family - Children in Court - Revised Youth Participation in Court
Protocol**

DATE: March 11, 2026

This supersedes Directive #15-18 and Supplement to Directive #15-18, and promulgates the attached revised Children in Court - Youth Participation in Court Protocol (Protocol) as approved by Judicial Council. The Protocol, which has been in effect since 2015, implements 45 CFR 1355.20 and N.J.S.A. 30:4C-61.2 requiring youth to be noticed of their permanency hearings in Children in Court (CIC) matters. It provides youth with an opportunity to participate in their permanency hearings so that they can make a meaningful contribution to the proceedings that affect their lives. The Protocol addresses notice, preparing children for court, transportation, potential objections to a child's participation, logistics, and court orders.

In this promulgation, the Protocol has been revised to note that the court can send a letter to the school notifying them of the hearing date and indicating that the youth should be excused from school to attend the hearing. This is consistent with guidance to school districts from the New Jersey Department of Education (NJDOE) advising them to accommodate student participation in court hearings. In its guidance, the NJDOE encourages school districts to develop attendance policies that support student attendance at required or optional court appearances. The NJDOE also encourages school districts to exercise local discretion to create policies that ensure students are not penalized for court appearances. NJDOE also recommends that schools facilitate virtual participation of students for court appearances, where appropriate, by providing students with a private space to attend the hearing, along with a tablet or laptop if the student does not have one.

Current practices must be maintained so that the Law Guardians who represent the youth and/or the Division of Child Protection and Permanency (DCPP) ensure youth are transported to court for in-person appearances. Court staff should accurately document youth appearances on the audio record and on the appropriate permanency order (CN 10259, CN 10255, or CN 11399). If the youth do not appear for the hearing, the permanency order is to set forth the reason for the non-appearance. Providing youth the statutorily required opportunity to appear and participate in their court proceedings elevates their voice to assist in the decision-making to improve their outcomes.

Sections 1407, 1601.8, 1601.10, 1700, and 1702 of the [Children in Court Operations Manual](#) have been revised to conform to this directive and current practices.

Attachment: Protocol

cc: Chief Justice Stuart Rabner
Family Presiding Judges
Children in Court Judges
Steven D. Bonville, Chief of Staff
Jason J. Corter, Director, Trial Court Services
Joanne M. Dietrich, Assistant Director, Family Practice
Special Assistants to the Administrative Director
David Tang, Chief, Family Practice
Family Division Managers
Jacqueline Augustine, Assistant Chief, Family Practice
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CHILDREN IN COURT - YOUTH PARTICIPATION IN COURT PROTOCOL

History

Pursuant to New Jersey law, children may attend any Children in Court (CIC) hearing and have the specific right to notice of and an opportunity to attend their permanency hearings (N.J.S.A. 30:4C-61.2). The New Jersey Legislature has recognized the importance of youth involvement in the court process.

This Protocol is designed specifically to implement N.J.S.A. 30:4C-61.2 and 45 CFR §1355.20, which provide the authority for youth attendance and participation at permanency hearings. The primary goal of this Protocol is to maximize the successful implementation of this State statute and federal regulation, and to the greatest extent possible and in accordance with the child's wishes, to have a child appear in the courtroom for his or her permanency hearing and participate in it in a meaningful and appropriate fashion. This Protocol is cognizant of the challenges that may arise when a youth wishes to attend his or her permanency hearing, for instance, obstacles such as the youth's schedule (e.g., school) and the distance between the youth's residence and the courthouse. This Protocol also recognizes the availability of other methods of participation when reasons are provided, including an in-camera interview, writing a letter, or electronic communication. Nothing in this Protocol is intended to preclude a youth from providing a written statement expressing his or her wishes.

This Protocol recognizes that it may be logistically challenging for young children to attend court. It is within the discretion of the law guardian and the court to make a determination as to whether a child's appearance will benefit the child, stakeholders, and/or the decision-making process.

PROTOCOL

Introduction

In 2015, the American Bar Association (ABA) Center on Children and the Law Bar Youth Empowerment Project (Bar Youth Project), a partnership with Casey Family Programs, along with the National Child Welfare Resource Center on Legal and Judicial Issues (Resource Center) provided technical

assistance to pilot this Protocol in three (3) counties with varying demographics (i.e., urban, suburban and rural) in an effort to accurately gather and analyze data concerning the issue of youth participation at permanency hearings. This pilot program was a success, and the Protocol is now implemented statewide as a requirement.

Notice

Pursuant to N.J.S.A. 30:4C-61.2, the court shall provide written notice of the date, time and place of the permanency hearing to the law guardian in advance of the permanency hearing. The Office of Law Guardian shall continue to utilize an age-appropriate letter advising the child of the permanency hearing. The law guardian is responsible for personally serving the letter on the child. Proof of said notification shall be provided to the court. In the case of an adjournment, additional notification will be made by the law guardian. Personal service of the notice by the law guardian will encourage contact between the child and his or her law guardian before the hearing.

Preparation/Debrief

The Division of Child Protection and Permanency (DCP&P) and the law guardian shall prepare the youth for appearances prior to communications with the court. Planning for the hearing should begin well in advance of the scheduled permanency hearing, no less than 30 - 45 days, in order to ensure that the child is prepared and arrangements are made to facilitate his or her presence. After the hearing, DCP&P and the law guardian are responsible for debriefing the youth following their appearance/participation in court.

The Office of Law Guardian has developed appropriate handouts, guidance documents for the youth, and videos that help prepare youth for court. Videos are available [here](#).¹ Advocates for Children of New Jersey also developed a helpful document for youth, which is available [here](#).²

Transportation

Transportation will be a collaborative effort and one designed to ensure that all

¹ <https://www.nj.gov/defender/services/olg/>

² https://acnj.org/downloads/2017_07_foster_care_youth_in_court_tips.pdf

youth who wish to attend court are able to do so. The court should initially look to the child welfare agency that has custody of the child to make the necessary transportation arrangements. However, in order to ensure that transportation challenges do not prevent a child's presence at his or her permanency hearing, other options may need to be explored, such as resource parents, relatives, public transportation, the youth arranging his or her own transportation, or the law guardian investigator assisting with transporting the youth to court. Ultimately, if an agreement cannot be reached, the court will resolve the issue of transportation in a summary fashion.

Objections to Child's Participation

If a party, other than the child through his or her attorney, objects to the child's attendance in court, that objection shall be raised no later than five (5) days prior to the permanency hearing. Any objection shall not prevent the child's participation. However, the modality and appropriateness of the child's participation shall be determined, in a summary fashion, at a conference with the court prior to the permanency hearing.

Logistical Issues

The following logistical issues should be considered in order to maximize the successful attendance and participation of youth in a court hearing. Such considerations should include but are not limited to:

- Scheduling permanency hearings to occur outside of school hours so that a youth does not have to miss school.
- Scheduling permanency hearings on a specific day to facilitate the youth's attendance.
- Ensuring proper supervision, if necessary, during the proceeding to enable all parties to fully participate.
- Identifying a private waiting area for youth prior to the start of the court hearing as appropriate and necessary.
- Determining the number of youth who will attend a court hearing on any given day to minimize wait time for all litigants. A member of the CIC staff will track the number of youth scheduled to attend their permanency hearings.

To facilitate youth participation, the court can send a letter to the school notifying them of the hearing date and indicating that the student should be excused from

school to attend the hearing. The New Jersey Department of Education (NJDOE) issued guidance to school districts encouraging them to develop attendance policies that support student attendance at court hearings. While these court appearances are not one of the state-excused absences enumerated in regulations, the NJDOE encouraged school districts to exercise their local discretion to create policies that ensure students are not penalized for court appearances. The NJDOE also recommended that schools facilitate virtual participation of the students for their court appearances, if applicable, by providing a private space to attend the hearing, along with a tablet or laptop if the student does not have one.

Training

Ongoing training on this protocol should be incorporated into each stakeholder's individual training events.

Court Orders

Standardized CIC orders reflect whether a youth attends and participates in a court hearing. If the youth does not attend court, the order shall provide a reason as to why not.