

THE VOICES OF YOUTH IN CARE:

Learning from Focus Groups with Former and Current Crown Wards

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Background

In November 2002 the Children in Limbo Task Force of the Sparrow Lake Alliance met with five older youths who were or had been Crown wards to learn of their experiences with the Ontario family court system. The 14 seasoned professionals included psychiatrists, lawyers, social workers and psychologists. They found the youths' comments moving and disquieting. The discussion generated thinking about potential improvements in the system. The Task Force also realized the necessity of determining how representative these five were of Ontario's Crown wards, a population of over 9000 children and adolescentsⁱ.

The Task Force agreed that assembling other focus groups from around the province would help determine whether the initial group's experiences were typical. In February 2003 the authors made a submission to the Service Directors' Network Group of the Ontario Association of Children's Aid Societies. Through leads from the Association and individual contacts with

specific children's aid societies, six more focus groups were conducted in various regions of Ontario. All groups were facilitated by social workers in the agencies involved with the young people. Groups ranged in size from four to nine participants, with five groups having both male and female members, one having female members only and one having nine male members. To ensure that various-sized communities were represented, the agencies ranged from very small rural agencies to medium and large urban centres, two being Toronto based. All participants were or had been Crown wards.

Confidentiality was a major issue. Each young person signed a confidentiality agreement and no identifying information was included on the tapes. Also, in the transcriptions and analysis, coding was used to protect fully the identities of participants.

The methodology included the development of complete transcripts of each of the seven focus groups. These were then analyzed by a researcher using the program "N-Vivo", useful in qualitative exploratory research of this nature to organize the material around recurrent themes. The themes are illustrated and emphasized throughout by selected comments of the participants in the focus groups, taken from the tapes of the discussions. This paper is based on the voices of these participants as they describe their experiences in becoming Crown wards. The authors have made minor edits to improve clarity.

Experience of Coming into Care

Suddenness, confusion, uncertainty, and lack of explanation or information seemed to be associated with coming into care. Some youths pleaded to be told the truth: "When moving a

child into a foster home, the worker “should tell them straight up that they [the workers] have no idea how long they are going to be there.” Feelings of uncertainty and insecurity are compounded because these young people often do not understand who is making the decisions about their lives, and the social workers to whom they are assigned are frequently changed:

But what I feel is that I don’t know who exactly is responsible for me. Is it my foster parents? Is it my social worker? Is it my social worker’s supervisor? Is it the police?

Multiple placements compound confusion. One young person, having had a succession of foster homes, recounted protesting to his worker: “Don’t move me! I can’t stand going to different placements. I have to get used to one place and stay there.”

Vividly portrayed, especially by members of one group from a rural, northern agency, was the isolation felt by some youths who suddenly found themselves in placements quite distant from the schools and communities they knew. One told of being taken in the middle of the semester from his home to a group home in another northern city, and reflected dismay at facing strangers as foster parents, strangers as schoolmates and a strange community.

Frequently the young people described the stigma of being in care and the low status of foster children amongst schoolmates: “Once other kids find out that you’re in foster care you get looked at in a different way; it’s like you get judged.” “Yes, you must have done something wrong or you’re bad or something.” “You get put away and, like, you’re in your own section now; you’re a loser.”

Youths expressed anxiety, appreciation, and confusion regarding their placements after being taken into care. One was dismayed at finding she was placed in an open custody group home with youths who were in and out of jail. “Cops were banging on our door constantly.” A young Caribbean Canadian girl was concerned about being placed with a white foster mother whom she thought would know nothing about her cultural background or the special skin and hair products she needed. One young man, realizing that he could not stay with his mother, expressed gratitude for the foster care he was receiving: “Technically, they’re opening their doors to you, putting a roof over your head, food in your stomach, clothes on your back — and you’re giving them attitude?” Another expressed the confusion of having two families:

Living in this foster home for so long, I have actually grown to calling my foster mom “mom” and my foster dad “dad”. When I start getting into a conversation with my foster parents they’re, like, which mom?

In several groups participants portrayed concern about their birth families, especially their mothers, and, in some instances, guilt about the impact of their Crown wardship upon the family: “When they said it was final, there was a wall between my parents [and me]. And the bad thing is you can’t fix it.” A recurrent theme was that despite knowing they needed to live away from their families, they felt guilty for the turmoil their Crown wardship had caused, a need to connect with their families, and in certain instances, a desire for parents to admit and accept their responsibility.

Youths’ Responses to the Legal Processes and the Court Experience

Many of the youths did not attend court, as children over 12 years old are entitled, but not required, to attendⁱⁱ, and children under 12 are presumed not entitled to be present at the hearingⁱⁱⁱ. For a court hearing, there is no requirement that children have a lawyer, but the court

may order legal representation^{iv}. In those cases, The Office of the Children's Lawyer in Ontario assigns lawyers to represent the legal interests of children. These lawyers are asked to meet personally with children or adolescents several times before the court hearing in order to determine the position to take on their behalf. In addition, a social worker assigned by the Children's Aid Society (CAS) to a child or youth is expected to ensure that the person understand the processes related to court.

Participants described having both good and inadequate preparation for court from lawyers and social workers. One girl was very satisfied with her lawyer, crediting her with instigating Crown wardship:

The process of me becoming a Crown ward started when I was speaking with [the lawyer] on the phone one night. I said, 'I know I don't want to go home'...so she said 'Do you want to become a Crown ward?'

Another also was pleased:

She [the lawyer] came to see me at my group home, and she talked through the papers with me.... She did tell me that my family would be there. I think she told me that I wouldn't have to speak to them, and she prepared me for things like that. She told me what the judge would ask me, and what the process was.

On the other hand, many youths felt unprepared for hearings about their custody, because they were not notified until the day before the court hearing took place:

I just found out about being a Crown ward the day before the assigned court date and I was pretty upset about that.... The day I went to court was the first day that I met my lawyer. It wasn't even my lawyer — I had to borrow my parents' lawyer.... My Dad asked me if I wanted another lawyer, and I'm thinking to myself, 'That's a little too late, isn't it?' I had no choice — it had to be right now.

Some youths could not recall any preparatory contact with their lawyers. One said he first met his lawyer only five minutes before he went into the courtroom, while another did not recall having a lawyer. Many youths said they did not expect to be represented by a lawyer:

I had no idea who he was — he just came into the hallway and said: ‘I’m the lawyer’ [and I thought] ‘I have one of you guys? Where were you when I needed this? I could have used you before.’

Several youths felt the court process had not been well explained to them. One said his social worker “explained what it was and told me to sign the papers.” This was probably an “Agreed Statement of Facts” giving the reason why he was in CAS custody, and he said he was too young to really understand what was happening. When asked what the term “Crown wardship” meant to him, he said, “taken away from my family.” Later he added, “life sentence to CAS.” One girl stated: “I met with my lawyer once...probably eight months before I became a Crown ward.... It was kind of a ‘getting to know you’ meeting.” Closer to the court date, the lawyer phoned and she recalled: “We didn’t really talk about the Crown ward process or anything.”

Some participants felt unprepared for the questions in court, and pressure, not knowing the implications of their answers:

While the judge was talking, she [the lawyer] asked me, on the side, ‘Do you want a group home? Do you want to become a Crown ward?’ I didn’t know what Crown ward meant, but I thought it was going to get me out of my mother’s house as fast as possible. So [I said] ‘Yes, I want to get out.’

Give me some information...so I know ...what are the consequences of ‘yes’ and what are the consequences of ‘no’ ...instead of [turning] to me in the middle of this environment that I’m not familiar with, and asking me questions.

It’s not like I had time to think about it — there’s people looking at me, and...the judge-judges are intimidating, and if they’re looking down at

you impatiently, waiting for an answer, you think, ‘Does yes sound good? Will you guys go away now’?

Some youths felt excluded from the court process: either they were not encouraged to attend, or they attended but believed they had little input into the decisions made at the hearing. This perceived exclusion often led to anger, frustration, and anti-social behaviour:

I didn't feel as though anyone thought about what I had to say, or considered me at any point there...not as much as I would have liked.... And then [at the conclusion of the hearing] it was just ‘Bang, bang — this is it!’

They did all the paper work they wanted to, and I never seen nothing, and all they say is, ‘Hey, now you’re a Crown ward!’ like it’s some kind of joke.... When I found out [about the Crown wardship]...I’ve been vengeful and on a rampage ever since.

Some older youths, when given notice of the proceedings, instead declined to attend court because they were nervous about the prospect of a court hearing that would determine their future lives. One youth said: “I don’t even like hearing about it — it makes me think I don’t want to go there.” Another said it made him think of a jail sentence.

Some youths who did attend court described feeling overwhelmed and powerless: “The room just felt huge...getting from the entrance to where I had to stand up beside the judge felt like three football fields.” Another recalled

[feeling] trapped in that room with my mom on my right and this big man...with broad shoulders and this big black coat...I just felt really small and I didn’t feel safe there...and I just wanted to do whatever it took to get me out of there as soon as possible.

Public exposure in the court setting was alarming:

I felt really uncomfortable because [there were] a lot of people walking around...[the lawyer] asked me if I wanted to remain in care or not...and I remember being really, really scared, because...everything stopped in the courtroom, and all eyes were on me...and I...kind of said "yes" because...I didn't want all that attention on me.

The language of the judicial process confused many youths. One recalled her worker talking with her at the courthouse, and "the wording she was using was really scaring me." Youths were sometimes reluctant to admit to their confusion: "Often things are said in ways that go way over your head, and then you're asked, 'Do you understand?' and of course you say, 'Yes — sure' but you don't." Another stated: "They tried to explain the papers to me but I didn't understand so I just signed them." After signing, he began to think he had not been told the truth: "They told me completely different answers than what they had just told me before I signed. I felt like I kind of got cheated." The term Crown wardship was especially confusing. One youth said that different people gave him different answers about the definition of Crown wardship: "Every time I hear Crown ward, I think of those crowns that you wear."

Youth and Worker

The nature of the relationship between youth and worker is vitally important. The youths emphasized the need for trust, support, and continuity. They recounted a wide range of experiences from highly positive to negative. One youth, when asked if he met with his worker before attending court said, "I meet with her all the time," reflecting appreciation of the ongoing relationship. A young woman, recounting her experience before becoming a Crown ward, said: "My mother hated [the family worker], so basically she sort of stayed out of sight.... I knew where [my worker] was though; she would check in once in a while to see where I was at." By

contrast, some participants indicated that they had little contact with their worker and did not receive the support and information they needed before the Crown wardship proceedings:

I think before the temporary wardship and stuff, it would have been a lot better for me if my worker had spent some time explaining [to me] — this is what's going to happen and this is what it means and these are the outcomes.

The facilitator asked, “Anyone else feel they wish they had more information at the time or were involved a little bit more in the process?” to which the response was an enthusiastic “yes!”

Youth and Family

Some youths expressed that their mother’s attendance at court indicated that she cared about them. One girl said her mother lived four hours away from the court, and had been told by the CAS that she was sure to be made a Crown ward: “But my Mom said, ‘There is one chance that I’ll be able to get my kids back...if I didn’t show up that would show that I didn’t care very much’...so I know she tried.” Others stated disappointment when parents did not come to court. One youth said her mother was not willing to attend court, so her social worker arranged a meeting prior to the court hearing: “[but] it took a lot of haggling on my social worker’s part to get her to do that.” Some youths were anxious about facing their families in court, possibly because of relationship problems related to their initial placement. Many youths had not had contact with their families while they were in agency care, so had no opportunity to discuss or begin to resolve these issues: “It was my first time seeing [my mother] after I left my house, so it was kind of awkward.” Sometimes conflict erupted at court:

There was almost going to be a shouting match or a fight breaking out between me and my mother in the courtroom...because she blamed everything that [had] happened in the house on me.

Some youths indicated that exposure of family issues in court had been humiliating and demeaning for them: “[giving evidence] I was facing the people sitting in the court, but trying not to look at my family...and that was kind of hard.” Another expressed how difficult it was to say publicly in court that she wanted to remain in care rather than return home:

My family was looking at me...it just was not a very good feeling.... I love my Mom dearly, but she scares the crap out of me sometimes...and she was right there giving me this look of, ‘If you say *no*, you’ve abandoned us and you’re out of the family’.... Whatever was going to work in the past [in terms of reconciliation] was not going to work now.

She had also been unprepared to see her sisters in court, and recalled wanting to shrink away when her sisters gave testimony about the family’s problems, especially when they pointed at her.

Under pressure, and feeling judged and exposed, parents might defend themselves by attacking a youth whom they view as having forced them into court. One participant had no contact with her mother before court, and was conflicted by having to tell the judge, in her mother’s presence, that she wanted to become a Crown ward. She was afraid that her mother “would say something to make me feel smaller than I already felt.” These fears were borne out after court, when her mother defended herself by saying, “Thank God I can celebrate now, I have one less headache on my hands.”

When a youth becomes a Crown ward, his/her sense of identity may be threatened: “I was just going through a whole bunch of emotions of not knowing who I was, where I belonged and, now that I’m out of my mother’s house, who cares.” Another linked the loss of his family with the loss of his identity over the time in the group home: “When I came out, there was almost nothing

left...nothing left of myself." One boy expressed feeling regret at not being able to live with his family or being a part of his family:

And my brothers and my sisters — I watch them grow real fast and yet I don't get to see every single day of their lives — I only get a glimpse. That hurts.... That's why I was so aggressive...because it hurts...there's a gap missing and I want it back!"

Court proceedings can cause a revival of painful memories. As part of the court process, some youths were asked to sign an "agreed statement of facts" about circumstances leading to the separation from their family. One youth was upset by having to review these written reports about himself and his family. He found some of the language difficult to understand, and was emotionally disturbed by the memories the reports brought back:

It was really personal, and it was hard to read...it was the past, and you are trying to get over it, and just reading it is bringing back a lot of memories...you are regretting nearly everything you have ever done.

Although youths generally remembered their court experiences, some acknowledged that their memories might not be complete. Time had passed, and often the hearings had taken place before the focus groups met. One girl, who described herself as traumatized by the conflict with her mother in court, said she had repressed some of her memories: "Unfortunately I kind of blank out when it comes to the court part."

Recommendations of Youth Regarding the Court Experience

- Some youths thought a mediation process would have reduced the adversarial and alienating nature of the Crown wardship proceedings:

I think the entire event of sending a child to court, at any age, to pick a 'yes' or a 'no' answer that will inevitably determine the rest of their life in some way.... It is not in the best interest of the child, I think, it is just for speed. It is just to get them in, get the answer, write it down and then go

on and do what you have to do and then the kid goes home and hates his worker, hates his parents, hates the group home or hates wherever they are.

Someone to mediate “would have made a whole lot more sense.... There should be more mediators available!”

- Many youths recommended more understandable information about the court process and ensuing decisions, and suggested how the information could be delivered:

You need time to think through the options and...understand the court process, step by step...and the social worker who is preparing you for court needs to be able to say: ‘Ok, some of these things might be hurtful’.... [It is better to know about potential stressful situations to be faced in court and still choose to attend as opposed to] the adult just saying: ‘Ok, you sign these papers. You don’t have to come.’ So the kid has some ‘say’ or some feeling that they understand why and they don’t look back five years later and say: ‘it really sucked that I didn’t go’ [to court].

You know how, when you come into care and, they give you: “These Are Your Rights” or “You Are in Care”? I would just toss it in my room, in that drawer. So I think that it is good to have if you’re going to read it, but most likely you’re not.... [Maybe if they changed it] and put it into sentence form, into words you would understand, and in ‘our language’...and also expanded the whole thing so it’s clearer!

“[We should have] more pamphlets, stuff that you can take away...and bring back questions.” Or videos, or puppets,” [to help us understand what] “Crown ward and the process means.”

Appropriate sources of information for different age groups was suggested. Another suggestion was contact with an older youth who had been through the wardship process, who could function as a “coach.”

- Generally, the youths felt that decisions about Crown wardship should be done faster, preferably within a year:

It is really hard to get something resolved when you've been in care for a year and you're already starting to forget about it. At first, there are all these different kinds of emotions and feelings to other people and there's no resolving stuff and you have to put up with the stuff that's happening.... And then...when you go to court in a year...everyone else is there and you're all emotional and you have to have all this counseling done because it's all messed up and you don't know what's going on.

When youths thought that information was being kept from them, they felt persecuted rather than protected. "The longer it takes before you get an answer [on how long you will be in care] the more I think there's something that has to be hidden that we can't see."

- The participants emphasized the importance of who accompanies them to court. It should not just be whoever is scheduled for work that day. "You may have better contact with someone else, and if you're scared or upset or vulnerable you might want to talk to them about it."

They suggested that they would like the opportunity to choose the person who would go to court with them, whether it was their social worker, foster parent or lawyer. This person would help to debrief after the hearing, to clarify the proceedings, and deal with the emotions and reactions.

Conclusions and Recommendations

Limitations and Usefulness of the Research

There are evident limitations to basing our findings and recommendations on analysis of only seven focus groups involving four to nine young people in each, who are or have been Crown wards of the Ontario child welfare system. In addition, and appropriately for this type of

exploratory research, there was no attempt to ensure that groups were equivalent in size, gender composition, age, circumstances, or leadership. This would not have been feasible. Another limitation is the unreliability of recall; several youths acknowledged that their memories were “incomplete” or “inaccurate.” This is understandable because the events remembered are part of a traumatic time leading up to placement in care. Thus, the information from these focus groups should be treated with some caution; however, the feelings expressed by the participants should be taken seriously by those around them who could help prepare and support them through the court process.

Despite these limitations, we believe the findings highlight both the great inconsistencies in child welfare and legal processes around the province, and also issues of serious concern in these areas, which need improvement. What follows is a summary of some of those issues.

1. Continuity of Care and Contact

Many participants indicated that they wanted, and did not have, continuity of contact with a social worker they knew prior to, during, and subsequent to coming into care, as well as support at times of status changes or court appearances. Nor did they have the consistent long-term placements they craved. In some instances they reflected confusion about who was in charge of decisions affecting their lives: the social worker, the CAS, the court, the foster parent(s), or birth parent(s).

2. Communication and Information Sharing

These young people repeatedly emphasized that they felt poorly informed about court procedures involving their wardship, and spoke about bewilderment, confusion, and anxiety. Their comments highlighted the importance of assisting young people to obtain an age appropriate understanding of the court processes and outcomes, and of ensuring contact with their lawyer before and outside the court environment. Even those who do not make a court appearance require explanation and support when they come into care or have status changes. These focus groups point up the need for greatly improved communication with the children and youth in our care, and for a child-centred focus.

3. Participation in Decision-Making

A common perception of focus group participants is that their opinions were not adequately considered regarding decisions about whether or not they should become Crown wards, or choices regarding their care. They felt little appreciation of their feelings of guilt and responsibility for their families. Poignantly, they saw themselves as second-class citizens, stigmatized at school, labeled as inferior. Low self-esteem renders them exceptionally vulnerable to intimidation in the court, and makes them eager to comply in order to end stressful court procedures. If young people were better supported and informed, there could be substantial savings in terms of reduced court time, and substantial benefits in terms of improved outcomes.

4. Family Group Conferencing

Because the young people in these groups expressed concern about their families, and supported the idea of mediation with their families, the authors strongly endorse "Family Group Conferencing" prior to the occurrence of Crown wardship processes. "Family Group

Conferencing" is a means of actively involving the nuclear family, relatives and friends as well as both child and family workers in the long term planning process regarding a child's safety and well-being. As stated by Schmid and Goranson^v, such conferencing has several prospective benefits: families are more likely to respect plans they have participated in making, interpreters can be involved, suitable alternative placements with friends or relatives might be found to remove the necessity of Crown wardship, and fresh insights may be gained by the workers into the family dynamics and the young person's needs. Whenever feasible, "Family Group Conferencing" should be conducted prior to Crown wardship processes, to attempt to reduce the adversarial nature of the situation.

5. Limiting Limbo

Comments support the importance of hastening court processes so that children and youth are not subjected to peremptory and startling occurrences without adequate preparation, or subjected to unnecessary delays. The voices heard in these groups portrayed the tension and stress of the uncertainty and insecurity of the "limbo status."

6. Long-Term Benefits

Many of these recommendations are fully endorsed in theory by effective and conscientious social workers and lawyers. In practice, however, financial and workload pressures often prevent their implementation. Several of these recommendations could be instituted by improving training of social workers, legal and court staff, and by ensuring that all front-line workers have effective support and supervision. Despite administrative challenges to expediting court processes, some measures could be taken without great expense, such as creating a more child-

friendly, less threatening youth court environment. Our goal should be to provide a consistently high standard of social work and legal practice throughout Ontario. It is crucially important that we respect the dignity and human rights of young members of our society. We need to allocate the resources, human and monetary, to respond appropriately to the voices of children and youth for whom our society is responsible. Their wellbeing as adults and the health of our society depend on our doing so.

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ⁱ Child Welfare Review: Combined Summary Report 2000-2001, 2002: Crown Ward Review, Child in Care Review, Adoption Probation Review. Ontario Ministry of Children and Youth Services, Management Support Branch, April 2004.

ⁱⁱ Ontario. Child and Family Services Act, s. 39(4), Office Consolidation, March 14, 2003.

ⁱⁱⁱ Ibid, s. 39(5).

^{iv} Ibid, s. 38.

^v Schmid, J., and Goranson, S. (2002). Family Group Conferencing: An Effective Tool in Planning for Children's Safety and Wellbeing. OACAS Journal, 46(4), 19-23.