

CLC PRACTICE POINT

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ENGAGING THE CHILD CLIENT

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When working with abused and neglected children who have been removed from their homes, part of your role is to lessen the trauma and instability children face and be part of a stable healing process. How you choose to interact with foster children can make a big difference in their lives.

More foster children are having their voices heard in court. Most of these children have had things "happen to them" most of their lives—events beyond their control impacting their futures. By having an attorney get to know them and represent them during foster care proceedings in Juvenile Court, they start to feel empowered and more a part of their own destiny. By making the court side of the foster care system a more humane system—one that hears what a child thinks about their own situation—we can help these children break the cycle of family and system failure. The opinion of a child in the foster care or state ward system should be taken into account when decisions are made for him or her.

HOW TO ENGAGE THE CHILD CLIENT

Ten key tips for engaging child clients:

1. Try to see the world through the eyes of a foster child.
2. Meet with the child in his/her own environment.
3. Begin to establish a relationship with your client.
4. Explain your role.
5. Listen to your client's story.
6. Be prepared for your client to be reluctant to talk.
7. Use simple language.
8. Show respect to the client.
9. Reach out to the client.
10. Be accessible.

In Minnesota, the role of the lawyer for a child is the same as the role of the lawyer for an adult: the attorney advocates for the child's expressed wishes. This is not true in other states where lawyers have hybrid roles as both guardian ad litem and advocate. Fortunately for us, we do not have to worry about that, as a separate guardian ad litem is appointed in Minnesota to represent the child's best interests.

A child that is involved in the child protection system has one spokesperson, one advisor, and one champion—their LAWYER. The relationship between a child client and their lawyer is vital and requires the greatest care a lawyer can give. A lawyer has several goals in developing a relationship with his child client:

Build trust.

Establish rapport.

Explain roles.

Identify alternatives.

The following techniques will help you to reach these goals with your client:

- Meet with the child in their comfort zone. Give the child choices about the meeting when possibilities exist (e.g., "Where would you like to sit?", "Would you rather go on a walk?"). Call to make an appointment—don't just show up.
- During your meeting, explain who you are and your role. Make sure that the meeting is private and explain the concepts of privilege and confidentiality. Throughout the interview remind the child that what the child tells you is privileged and confidential.
- Make your interactions child focused and age appropriate. When interacting with the child, be on the child's level. Explain what's going on in an age-appropriate manner (simple grammar, short sentences). Where appropriate, use the child's own media to communicate thoughts and ideas (text, email, music), and encourage the client to express himself/herself in whatever way feels comfortable (writing, music, art).
- Listen to the child and their story. Communicate with the child by using open-ended questions ("what happened after that?"), using open-ended statements ("tell me more about..."), and paying special attention to language. Engage with the child about his/her hopes, dreams and goals.
- Use of silence---A successful interviewer can never be afraid of silence, or of talking about what the child wants to talk about. Sometimes children need to come to sharing information in their own time. This is called "child-centered interviewing." Patience will go a long way in building trust.
- Acknowledge the child's feelings. Start by finding out what the child believes about what's going on. Address any misconceptions the child may have and be careful not to dismiss how the child feels. Do not make assumptions.
- Make the child feel heard. The child needs to know that their concerns are being taken seriously. Lawyers for children need to explain that it is their job to ensure that the child is heard. Let the child know that you don't make the decisions, but that you will let the decision maker know what the child wants.
- Don't show alarm. When interviewing the child, be prepared for when the child starts raising things that seems alarming on the surface. An alarmed reaction (a look of surprise or shock) is sensed by the child and can send the wrong message and cause the child to shut down. Stay calm and supportive.
- Don't stay too long at the first meeting; take your cues from the child.
- Assist the child in comprehending their own rights and responsibilities as well as those of the people who will appear in court. Help them understand the court process, the child's options, and the decisions being made at every stage of the case.
- Be truthful, but don't overwhelm the child. Children take in what they're emotionally ready to handle, especially children who have been traumatized. The manner in which you deliver information—word choice, tone of voice, repetition of information and use of pauses—affects how the child perceives the situation.
- Reach out to the child and be accessible. If the child does not return your call, call the child back and explain to them how they can reach you and what the best time is that you can be reached. Remember that children who are in foster care will not let their guard down until they began to trust you. So you might need to make a few extra calls before you receive one from them.
- Show the child client the same level of respect you would with any adult client.

Remember these strategies for engaging child clients, as well as the 10 key tips at the beginning of this article, and you will provide a measure of dignity and self-validation to kids at risk of being lost in the system.