

What Should an Attorney **DO** in a Child Welfare Case?

SKILLS: CLIENT COUNSELING

Attorneys possess the skills, training, and ability to access courts for their clients, to ensure their opinions and voices are heard, and to explain the legal system, consequences, and options to their clients. Client counseling may look different for children than for adult clients. Attorneys need to be prepared to explain the same concept or issue as many times as is necessary to ensure client understanding, to use developmentally and age appropriate terminology, and to check for understanding frequently during their representation. Effective client counseling includes:

- ❖ *Explaining, and ensuring client understands,:*
 - Attorney role and responsibilities, including limitations of that role
 - Court processes
 - Different types of hearings/trials
 - Potential/likely outcomes
 - Court orders, especially those directly impacting the client
 - Any questions client has

- ❖ *Advising and counseling the client regarding:*
 - Preparing to participate in court and/or testify
 - Impact of client actions, including compliance or non-compliance with court orders
 - How to present position in court
 - Legal and trial strategy

Resources

- Child Welfare Law and Practice: Representing Children, Parents, and State Agencies in Abuse, Neglect, and Dependency Cases (Donald N. Duquette, Ann M. Haralambie, & Vivek S. Sankaran eds., National Association of Counsel for Children, 3d ed. 2016)
 - Chapter 6: Interviewing and Counseling Legal Clients who are Children (Ann M. Haralambie & Lauren Adams)
 - Chapter 31: Representing Children and Youth (Donald N. Duquette & Ann M. Haralambie)