

What Should an Attorney **DO** in a Child Welfare Case? **SKILLS: CLIENT INTERVIEWING**

The youth is the expert on their life, and consequently, their dependency case. Therefore, the most critical source of information for a child's attorney is their client. Accessing that information can be challenged by several factors, including the client's age, emotional state, cognitive abilities, developmental level, and trust of the attorney/system actors. Skillful client interviewing is an essential component of quality representation, and some indicators to look for are:

- ❖ Time dedicated to rapport and trust building
- ❖ Interview occurs in a private and confidential location, out of earshot of others, that is physically, mentally, and emotionally comfortable to the client
 - *For example, is the client comfortable with an attorney visiting their school; how will they have to explain the attorney's presence to their peers?*
- ❖ Open-ended questions
 - *Tell me more about...*
 - *What happened...*
- ❖ Active listening/observing of verbal and non-verbal cues
- ❖ Use developmentally appropriate language
- ❖ "Funnel Technique"
 - *Step 1: Child tells story from start to finish, without interruption*
 - *Step 2: Attorney uses open-ended questions to clarify/fill in missing information*
 - *Step 3: Attorney directs child to specific facts for further clarification*

Resources

- Thomas D. Lyon, *Ten Step Investigative Interview* (2005):
<https://works.bepress.com/thomaslyon/5/>
- 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 5: Investigative Interviewing of the Child (Thomas D. Lyon)
 - 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)