

Kids Can Be Clients: Understanding Development in Middle Childhood

By Dr. Sarah L. de Marchena

INTRODUCTION

This brief summarizes current developmental research and psychological theory on cognitive development during middle childhood (ages six to eleven) to better understand children's capacity for meaningful participation in the attorney–client relationship. Available research divides middle childhood into two stages: lower middle childhood (ages six to eight) and upper middle childhood (ages nine to eleven). The brief begins by describing three developmental skill areas that are foundational to attorney–client interactions: executive functioning, communication, and reasoning, which all support a child's ability to express preferences, understand and make choices, and participate in decision–making. The brief explores these core skill areas in more detail across the two age groups, highlighting children's abilities at each stage. Each section includes strategies attorneys can use to effectively engage children based on their developmental stage.¹

OVERVIEW OF CORE DEVELOPMENTAL SKILLS INTEGRAL TO THE ATTORNEY AND CHILD–CLIENT RELATIONSHIP

EXECUTIVE FUNCTIONING

Executive Functioning (EF) refers to the set of thinking skills that help children plan, focus, manage emotions, and regulate their behavior so they can work toward goals (Zelazo, Blair, & Willoughby, 2016). The main components of EF are **working memory**, which allows children to hold and use information in their minds (Engle & Kane, 2004); **self-control**, which helps them stay on task and stop themselves from acting on impulses (Diamond, 2002); and **cognitive flexibility**, or the ability to shift attention and change strategies when rules or situations change (Miyake et al., 2000; Zelazo et al., 2003).² EF also includes **decision making** when outcomes are uncertain, **delaying**

¹ This review focuses on typically developing children – that is, children whose physical, cognitive, and emotional growth follows the expected patterns for their age. It does not address the variable impacts of environmental factors such as trauma, socioeconomic status, education, or language exposure.

² Working memory, self-control, and cognitive flexibility are often considered “cool” executive functioning skills used in neutral situations (Zelazo & Carlson, 2012; Peterson & Welsh, 2014).

gratification, and **changing behaviors** when something that used to bring a reward no longer does (referred to as affective reversal learning) (Zelazo & Carlson, 2012; Tsermentseli & Poland, 2016).³ These skills are especially important in emotionally charged or social situations, helping children manage emotions, motivation, and weigh short-term versus long-term outcomes.

COMMUNICATION & PREFERENCE EXPRESSION

Communication and preference expression require structural language skills (grammar, vocabulary, sentence complexity), and social language skills (taking turns, adjusting communication, asking questions) (Wieczorek, Hentges, Tough, & Graham, 2025). Social language helps children express their needs and wants, manage disagreements, and engage in play (Alduais, Al-Qaderi, & Alfadda, 2022). As children's cognitive and linguistic skills mature, they become more advanced in organizing their thoughts, understanding others' perspectives, and expressing their needs and preferences with clarity (Shokrhon & Nicoladis, 2022). These skills support self-expression, more deliberate communication and decision-making, and meaningful interactions with others.

REASONING AND JUDGMENT

Pioneering researchers like Jean Piaget and Lawrence Kohlberg established the foundations for understanding how children's reasoning and moral judgment develop over time (Piaget, 1962; Kohlberg, 1977, 1987). Reasoning and judgment are closely related thinking skills that help children make sense of information and make thoughtful decisions. Reasoning involves the use of logic to connect ideas, understand cause and effect, and solve problems (Piaget, 1962). Judgment refers to drawing conclusions and making choices based on that reasoning. As children mature, their judgments become more complex, moving beyond a focus on outcomes to include intentions and context (Yoo & Smetana, 2022). Closely tied to reasoning and judgment is Theory of Mind, which is the ability to recognize that others have thoughts, feelings, and beliefs that may differ from one's own (Wellman, 2014; Wang, Devine, Wong, & Hughes, 2016). As this understanding expands, children become better at interpreting others' motivations, thinking about fairness, and making more informed decisions. These cognitive and social shifts support their increasing participation in decision-making and ability to handle more complex social situations.

SKILL EXPRESSION IN LOWER MIDDLE CHILDHOOD (AGES 6–8)

EXECUTIVE FUNCTIONING

Children, especially between ages six and seven, show improvements in their ability to filter out distractions, though many still need adult support to stay focused (Fernandez-Garcia et al., 2024; Checa et al., 2014; Matte-Gagné et al., 2018; Rueda et al., 2004). Self-control improves between age six and eight, though younger children still make more impulsive choices than older children (Symeonidou et al., 2016; Hooper et al., 2004). Cognitive flexibility continues to develop; some children may have trouble adjusting to new rules or unexpected changes (Bock et al., 2015; Matte-Gagné et al., 2018). **Around the age of six, children start to organize their memories and experiences into coherent stories with a clear sequence, cause, and outcome. They can explain what happened, why it happened, and when it happened (Ensink & Mayes, 2010).** However, children at this age may struggle to change their thinking when

³ Decision-making under uncertainty, delay of gratification, and affective reversal learning are often considered "hot" executive functioning skills used in emotionally significant situations (Zelazo & Carlson, 2012; Peterson & Welsh, 2014).

something they originally thought was a good choice turns out not to be (Fernandez-Garcia et al., 2024), (Tsermentseli & Poland, 2016). For example, a child might continue avoiding a task they once found difficult, even after they have learned new skills to approach the task.

SUMMARY OF EXECUTIVE FUNCTIONING SKILLS FOR CHILDREN AGES 6–8

- Ability to organize memories and recall past events
- Ability to tell stories with a clear sequence – what and why something happened
- Emerging ability to filter out distractions, manage attention, and control impulses
- Emerging ability to update thinking based on new information
- Emerging ability to delay gratification

CLIENT ENGAGEMENT STRATEGIES

- Use short, step-by-step instructions and reminders to help with focus and reduce confusion (e.g., “First we’ll talk, then you can draw”).
- Repeat key points and check for understanding to support engagement and focus (“Can you tell me in your own words what I just said?”)
- Use simple comparisons to focus on concrete cause-and-effect (e.g., “If you finish this now, you will have more time to play later”).
- Offer reassurance and clear expectations when routines or plans change (“You’ll see a new caseworker today, but I’ll be there too, and we’ll talk together like we always do.”)

COMMUNICATION AND PREFERENCE EXPRESSION

In this age group, children make important gains in both the structural and social aspects of language. Structurally, their sentences become more grammatically correct (Papalia & Feldman, 2015). They begin to use conjunctions like “because,” “although,” and “so” to explain ideas, describe sequences, and give reasons. Their growing vocabulary allows them to describe thoughts, events, and emotions in greater detail (Merritt, 2016). Socially, they begin to follow conversational rules such as taking turns and staying on topic. They also begin to understand nonliteral language such as humor (Santrock, 2019). They can begin to retell stories in sequence, reflecting both improved narrative structure and verbal organization (Santrock, 2019); however, stories may still be brief or lack key details. **According to research on children’s ability to express preferences about meaningful issues (such as their healthcare), children as young as seven can articulate their likes, dislikes, and personal experiences when asked concrete, age-appropriate questions (Miller, 2000).**

SUMMARY OF COMMUNICATION AND PREFERENCE EXPRESSION SKILLS FOR CHILDREN AGES 6–8

- Ability to express likes, dislikes and personal experiences
- Ability to use conjunctions like “because,” “although,” and “so” to describe sequenced events
- Emerging ability to share relevant details in conversations
- Ability to take turns speaking during conversation
- Emerging understanding of non-literal language and humor

CLIENT ENGAGEMENT STRATEGIES

- Listen patiently without interrupting, even when children add extra details or leave out key information in their stories.
- Ask focused, concrete questions to help children organize their thoughts (e.g., “What happened next?”, “What did you like best?”).
- Avoid use of non-literal language and humor (e.g., instead of saying “This will be a piece of cake,” say, “This will be easy”).
- Keep conversations brief and focused on one topic (e.g., “Let’s talk about school first, then we’ll talk about your visit”).

REASONING AND JUDGMENT

According to Piaget (1962), children ages six to eight are moving from intuitive to more logical ways of thinking and beginning to use reasoning based on real life experiences. They can talk about things that have happened in the past and explain simple reasons for their choices. They can follow basic rules and routines, understand basic cause and effect, solve simple puzzles, and clearly express what they like or want. However, their thinking is still often based on how things look rather than how they actually are. For example, a six-year-old may believe a taller glass holds more liquid than a shorter one, even if both hold the same volume. By ages six to eight, most children have also developed a strong foundation in Theory of Mind (Wellman, 2014; Wang, Devine, Wong, Hughes, 2016). They can explain that someone made a mistake because they did not know something or recognize that a person might feel differently about a situation than they do.

According to Kohlberg (1977), children ages six to eight tend to make moral decisions based on avoiding punishment or seeking rewards. At this stage, children may follow rules mainly to avoid negative consequences rather than because they understand or value the rules themselves. For example, a seven-year-old might clean up their toys primarily because they do not want to lose screen time, not because they believe it is important to keep the space tidy. While children in this age group are developing important reasoning skills, they generally require support to understand the long-term consequences of their actions and to consider broader ideas like fairness, responsibility, or the impact of their choices on others.

SUMMARY OF REASONING AND JUDGMENT SKILLS FOR CHILDREN AGES 6–8

- Ability to explain reasons for decisions
- Ability to follow routines
- Ability to solve simple puzzles and understand simple cause and effect
- Ability to follow rules to avoid punishment

CLIENT ENGAGEMENT STRATEGIES

- Explain why events occurred or decisions were made to support understanding of cause and effect (e.g., “This happened because...”).
- Ask children to explain what they think is happening (e.g., “What makes you think that?”) to understand perspective and correct misunderstandings if needed.

- Connect choices to future outcomes (e.g., “When you share what you want, it helps others understand your needs”)

SKILL EXPRESSION IN UPPER MIDDLE CHILDHOOD (AGES 9–11)

EXECUTIVE FUNCTIONING

By upper middle childhood, children’s thinking and emotional regulation become more advanced. Their working memory improves, so they can hold and use more information in their minds at once, though still not at adult levels (Fernandez-Garcia et al., 2024; Pelegrina et al., 2015; Ludyga, Gerber, & Herrmann, 2019). Children ages nine to eleven typically show better self-control, are less impulsive, and become more skilled at tuning out distractions (Symeonidou et al., 2016; Hooper et al., 2004; Checa et al., 2014; Rueda et al., 2004). They are also more able to shift their thinking when situations change, such as adapting to new rules or learning from mistakes (Chevalier & Blaye, 2016; Bock et al., 2015). Research shows that children in upper middle childhood make less risky choices, can wait longer for rewards, and are more likely to think about long-term consequences (Fernandez-Garcia et al., 2024; Lensing & Elsner, 2018). However, even older children struggle with delay of gratification and may choose smaller rewards if waiting is too hard or if the bigger reward is not clearly better (Prencipe et al., 2011; Steinbeis et al., 2016; Burns et al., 2021). Like younger children, they may still find it hard to adjust emotionally when something they thought was a “good choice” turns out not to be (Fernandez-Garcia et al., 2024).

SUMMARY OF EXECUTIVE FUNCTIONING SKILLS FOR CHILDREN AGES 9–11

- Ability to hold and use more information in mind
- Ability to tune out distractions
- Ability to consider long-term consequences
- Improved delay of gratification
- Improved self-control and reduced impulsivity

CLIENT ENGAGEMENT STRATEGIES

- Validate children’s immediate wishes while helping them understand the steps that protect their safety and stability (e.g., “I will tell the Judge that you want to go home as soon as possible. The judge will also hear from your caseworker, your Mom, and your Dad and then decide when you should return.”).
- Support long-term thinking by reinforcing when children show patience or consider future outcomes (e.g., “Because you thought about it first, we made a plan that worked better.”)

COMMUNICATION AND PREFERENCE EXPRESSION

By the age of ten, most children have acquired at least 20,000 words, enabling them to express themselves more precisely and engage in complex conversations (Merritt, 2016).

They also begin to develop metalinguistic awareness (the ability to think about how language is used to express a message and to correct or adjust that language), which helps them to adapt their communication accordingly based on context (Lally & Valentine-French, 2019; Santrock, 2019). Structurally, their sentences become more complex and accurate. Socially, they learn to adjust their tone, vocabulary, and message according to their audience and begin to understand humor and figurative language (Riser, Spielman, & Biek, 2024). In decision-making and preference expression tasks, a study by Weithorn and Campbell (1982) found that nine-year-olds demon-

strate an evolving ability to express preferences and make reasonable decisions. However, their understanding of complex outcomes remained underdeveloped. This suggests that children as young as nine can articulate clear preferences, even if their understanding of consequences is still developing.

SUMMARY OF COMMUNICATION AND PREFERENCE EXPRESSION SKILLS FOR CHILDREN AGES 9–11

- Ability to use expanded vocabulary (~20,000 words) and more complex, accurate sentences
- Ability to adjust tone, vocabulary, and message depending on the conversation partner
- Ability to express preferences, even when understanding or outcomes are unclear

CLIENT ENGAGEMENT STRATEGIES

- Use open-ended prompts to encourage children to explain their thoughts in their own words (e.g., “Can you tell me more about why that matters to you?”)
- Encourage children to share what they want to happen and talk through possible results (e.g., “If we try that approach, this could happen...”)

REASONING AND JUDGMENT

By ages nine to eleven, children’s thinking becomes more logical and organized, allowing them to reason about things they see and experience (Piaget, 1962). **Children in this age range are more aware of their own thinking. For example, they can reflect on how they understand something or explain complex information. They also demonstrate a better understanding of ideas that are not directly observable (abstract thinking), such as fairness, motivation, or hypothetical “what if” scenarios. Notably, they become less self-centered and more capable of understanding others’ perspectives.** Theory of Mind reaches a developmental peak during this age range (Busch, 2011; Ensink & Mayes, 2010; Midgley & Vrouva, 2013), reflecting a stabilization of perspective-taking skills, though these abilities continue to mature into adolescence. Studies show that children ages nine to ten become more consistent in explaining others’ motivations, recognizing mistakes driven by emotional and mental states, and responding appropriately in emotionally challenging situations (Wang, Devine, Wong, Hughes, 2016).

By upper middle childhood, children’s moral reasoning is often guided by a desire for approval (Kohlberg, 1977). Children begin to value being seen as “good,” follow social expectations, and care more about fairness. As children move through middle childhood, they also begin to understand that some actions may cause short-term harm to prevent a worse outcome, showing a greater ability to consider intentions and outcomes (Jambon & Smetana, 2014; Yoo & Smetana, 2019).

SUMMARY OF REASONING AND JUDGMENT SKILLS FOR CHILDREN AGES 9–11

- Ability to think more logically and abstractly (e.g., hypothetical scenarios)
- Ability to articulate their understanding of more complex information
- Ability to follow social expectations
- Ability to see others’ perspectives in more socially nuanced and empathetic ways
- Increased value of justice and fairness

CLIENT ENGAGEMENT STRATEGIES

- Empower children to share their concerns and preferences, especially when they may be motivated to please others (e.g., “I want to know what matters to you and your opinion helps me understand what is important to you”).
- Support perspective-taking to help children see how others’ roles fit into decisions while maintaining focus on their voice. (e.g., “My job as your attorney is to tell the judge what you want and then show them why they should make that decision”).

CONCLUSION

Children in middle childhood are actively developing the cognitive, social, and communication skills necessary for meaningful participation in their own legal representation. **Without the support of an attorney, children in this age range would have limited ability to understand the legal process, interpret information, and communicate their views in a meaningful way.** They can describe experiences, express preferences, follow rules, and begin to understand other perspectives. At the same time, their executive functioning, such as working memory, self-control, and flexibility is still maturing. Younger children in middle childhood may have trouble staying focused, managing impulses, or adapting to change, while older children are increasingly able to think logically, consider multiple possibilities, and understand more abstract ideas. The development of skills in middle childhood helps children engage more meaningfully in attorney-child relationships. An attorney is necessary for children in this developmental stage to assist them in understanding the legal process, interpreting information, and communicating their views effectively. Understanding developmental capacities can guide attorneys in structuring conversations, setting expectations, and supporting children’s participation in decisions that affect them.

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CONTACT

Natalece Washington, JD, CWLS

Policy Counsel, National Association of Counsel for Children

Natalece.Washington@NACCchildlaw.org

[Counselorkids.org](https://www.counselorkids.org)
[#Counsel4Kids](https://twitter.com/Counsel4Kids)
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