Children in court need attorneys of their own. *We're working to make sure they have them.*

Kids Can Be Clients: Practical Tips for Attorneys Representing Young Children

Children rapidly develop during grade school (i.e. ages 6–11). Attorneys should use practical client-engagement strategies to enhance child clients' understanding, comfort and ability to participate in proceedings, as well as their perception of fairness.

Attorneys representing young child clients should:

1. **Use multiple factors to assess each child client's developmental capacity.** Every child is different and may not follow the same course of development as their peers.
    - Learn as much as possible about a child client before meeting with them (age, strengths, interests, family history, special needs/disability, history of trauma, nicknames, etc.).
    - Gather information from their caregivers or pediatrician to understand their developmental level.
    - Engage the child client in conversations on topics of increasing difficulty to gauge their understanding and language skills. (Try asking for their first and last name, favorite holiday, then a description of what they did during last summer break).
2. **Build rapport to support a trusting relationship.** Child clients must be comfortable enough to share personal information or thoughts with an adult.
    - Recognize that building trust requires time and intention.
    - Engage the child client in age-appropriate play with cards, puzzles, coloring books, or toys.
    - Give the child client undivided attention with attentive body language during each interaction. Avoid checking your phone or watch while speaking with the child client. Remain focused on the child. Keep your devices put away during the visit to avoid distractions.
    - Show interest in their likes, dislikes, friendships, school experiences, and activities.
3. **Communicate in a manner the child can understand.** Even children with developmental delays may be able to process information and communicate.
    - Use a gentle tone, slow rate of speech, and short sentences.
    - Adopt the child client's informal speech (e.g. "Auntie Mindy").
    - Use pictures and diagrams to help explain things (e.g. the layout of the court room)
    - Break up complicated issues, focusing on one topic at a time.
    - Ask short, simple, open-ended, concrete questions free of abstract ideas, hypotheticals, suggestions, and double negatives.
    - Give the child client permission to say they "don't know" the answer to a question or "don't understand" what you are asking.

- Give the child client time to process questions and respond. Children have slower recall and processing time than adults.
- Avoid interruptions.
- Repeat or rephrase statements as needed or requested and check frequently for understanding. (i.e. Ask the child client to repeat back what you have stated to ensure clarity of understanding).

4. **Use child-centered strategies to obtain vital case information.**
   - Keep meetings brief to accommodate shorter attention spans and competing interests.
   - Consider allowing some movement and/or activity during client meetings rather than expecting the child client to remain seated throughout discussion.
   - Provide short breaks for the child client to recharge, use the restroom, or have a snack.
   - Alternate times and settings of meetings considering the child client's eating or nap schedules.
   - Give the child client the opportunity to communicate orally, in writing, by drawing, or with another form of communication.
5. **Regularly explain the attorney's role to help the child client understand and use legal representation effectively.**
   - Use simple language to explain the attorney role each time you visit the child client.
   - Give child clients a choice about what they will call you (e.g. "You can call me Anne, Ms. Anne, or something else that helps you remember me.")
   - Share how often you will be visiting them and how they can contact you.
   - Explain confidentiality in a way children can understand and consistently uphold it to build trust. (i.e. Explain what information you must share, will not share, or what you need permission to share.)
6. **Maintain frequent contact with the child client.** Regular contact and home visits are vital to building and maintaining trust.
   - Ensure contact at least prior to and after each court hearing, after any placement change, and no less than monthly by a member of the legal team until the conclusion of the case.
   - Visit the child client regularly in familiar settings (home, school, or placement) to build trust over time.
   - Remind the child client of something not case-related that was discussed at the last meeting (e.g. a successful spelling test, swim lessons, ballet, or cartoon).
7. **Create a supportive and judgment-free atmosphere that encourages the child to speak openly.**
   - Affirmatively tell them that your job is to listen to them and what they think and feel.
   - Encourage the child client to express feelings, preferences, or concerns without fear of being "in trouble," judged, corrected, or dismissed.
   - Try to maintain neutrality and awareness of your own facial expressions.
   - Consider engaging in parallel play (e.g. playing with Uno cards, coloring, or shooting a basketball) to reduce anxiety or distress from one-to-one interaction. With reluctant or fearful children, consider directing your attention or questions to a toy/object until they get comfortable.
   - Modify communication strategies as needed to accommodate linguistic and cultural differences (e.g. In some communities, direct eye contact is an indication of respect or disrespect).
   - Ask the child client "What would make you feel better about X?"

8. **Treat the child client with dignity and respect.**
    - Honor their voice by seeking their input on decisions and preferences.
    - Give the child client all the information they need to decide what they want.
    - Be patient while they answer and comfortable with silence.
    - Listen actively to ascertain the child client's thoughts, concerns, and expressed wishes.
    - Use attentive body language like nodding or supportive verbal feedback (e.g. "uh-huh" suggesting agreement or encouragement to continue) to ensure the child knows you are listening.
    - Use the funnel technique during interview. Start by allowing the child client to tell the story uninterrupted, then ask open-ended questions to further develop facts. Last, confirm facts through narrow, close-ended questions.
    - Thank them after they finish sharing and repeat a summary of what they shared.
9. **Be honest about what you know and don't know.**
    - Avoid sharing what you hope might happen. Instead, clearly state when and how decisions will be made.
    - Do not make promises that can't certainly be fulfilled.
    - Be honest about what's possible and what's not.
    - Be clear about the limits of what you can do and what may happen next. Then provide regular updates.
10. **Maintain open lines of communication.**
    - Respond to calls or messages in a timely manner.
    - Never tell the child client you are too busy for them. Provide them with information for who they can contact (e.g. a supervisor or paralegal) if they are unable to reach you.

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