

Building Effective Relationships With Parents

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A Parent's Opinion

"When I arrived at court that morning, I was told this is my lawyer. My lawyer sat down with me five minutes, asked me a couple of things, and told me to admit my drug addiction. I didn't know anything about a fact finding hearing. I wasn't told what my rights were. I wasn't told the procedure of the court. I didn't have any idea what was happening, and I was very much afraid, because the important thing in my life had just been lost."

We are here to

- Protect Our Civil Liberties
- Empower Parents
- Produce Better Outcomes for Children

Safeguard Civil Liberties

- Fourteenth Amendment protects a parent's right to direct the care, custody and control of their children
- Don't have to be model parents
- Described as "perhaps the oldest of the fundamental liberty interests" recognized by the Supreme Court

Empower Parents

- Give parents a voice
- Make sure the system gives them a fair shake
- Make sure they are treated with respect. Preserve their dignity.
- Procedural Justice: The fairer the process, the more likely it is that the parent will cooperate

We do that by:

- Translating the process to the client so that the parent can understand the risks and consequences of each stage and what she needs to do.
- Advocating in court for the client
- Advocating out of court ensuring that services and visitations are available.

Effective Advocacy = Better Outcomes for Children

- Parents more likely to cooperate and collaborate
- Improve quality of decisions made by courts by testing information. The agency gets its wrong sometimes.
- Increase options for the court through creative advocacy
- Inject a sense of urgency in the process. Impatience is a GOOD thing. Don't be complacent

Key to success is building relationships

Elements of successful relationships Not just in court

- We are clear on what our role is in the relationship.
- We understand the other person – who s/he is.
- We communicate goals clearly and agree on them.
- We get something positive out of the relationship.
- We trust the other person.

What about our clients' circumstances can prevent us from forming successful relationships with them?

Our clients are:

- Poor
- From disadvantaged communities
- Primarily women
- Individuals who've just had their children taken away from them
- Confused, frightened, upset, angry, hostile
- Individuals who may have serious problems: drug use, domestic violence, mental illness, etc.

But, our clients are also

- Strong
- Resilient
- Resourceful
- Caring
- Committed
- Experts on their children

What about our
backgrounds/role can prevent
us from forming successful
relationships with them?

We are:

- Privileged
- Member of the "lawyer class"
- Someone who will be going home to children at night
- Someone who doesn't know how they feel
- Someone appointed by the same system that authorized the removal
- Yet another person who is going tell them what to do

Our clients have no reason to
trust us. Trust is something
that is earned, not given

How do we earn that trust?

- "Lawyers are not masters but servants, and he rules them who obeys them."
- We are here to serve and to follow our client's wishes after counseling them.
- Doesn't matter if you're court-appointed or hired to represent Bill Gates. Approach each case with the same attitude. Same Rules of Professional Conduct apply. We are public servants.

Words alone will not engender trust

- Do something to demonstrate that you are different from the others.
- Define your role through your actions to opposing counsel, the judge. Your client is watching.
- Watch out for conflicts of interest (e.g. representing multiple parents in the same case)
- Stand with your client (instead of "the club.")
 - When you have extra time at the courthouse, make it client focused.

Treat them with respect

- Listen. Let them tell their story. Avoid unnecessary interruptions
- Give them your business card. Establish the professional relationship
- Arrange for follow up meeting(s) after court. Meet at convenient locations
- Respond promptly to their phone calls
- Bottom line: The fact that you are court-appointed should not alter your relationship with your clients. The Rules of Professional Conduct still apply

What techniques do you use to build trust with your clients?

Dynamics of the Initial Interview

Dynamics of the Initial Interview

- Your client is in crisis
 - Impact on the brain functioning – flight/fright.
 - Helping the client's brain to work.
 - Set realistic expectations for yourself. Don't have much time.
- Establishing trust
 - Remembering that the client views you as "one of them."
 - Listening
 - Being on time
 - Showing that you are on the client's side (there to help him/her get something.)
 - Standing with the client rather than with the "club."
 - Finding something positive

Initial Interview-Some Content Essentials

- What your job is and what the client's is.
- Confidentiality/Privilege and exceptions.
- Contact with each other
- ICWA
- Expectations of client and vice versa
- The client's version of the incident/issue.
- Immediate goals. What will happen next.
- Give the client some control over the process rather than a feeling that outcomes are preordained.

Interviewing Techniques

Essential Lawyering Skills by Krieger and Neumann

1) brief opening part [rapport building]; 2) information gathering part: open ended narration, probing stage (specific follow up questions), review stage (tell the story in your own words; 3) goal identification part; 4) preliminary strategy part in which you might discuss some possible strategies and theories in support of the client's position; and 5) closing phase in which you talk about what will happen after the interview; next steps.

Avoid the DMV Interview

- Whip out the legal pad
- No eye contact
- Don't tell client your name or office affiliation before launching into pre-set series of questions
- No explanation of why the questions are important, how the answers will be used.

When are our clients asked these types of questions?

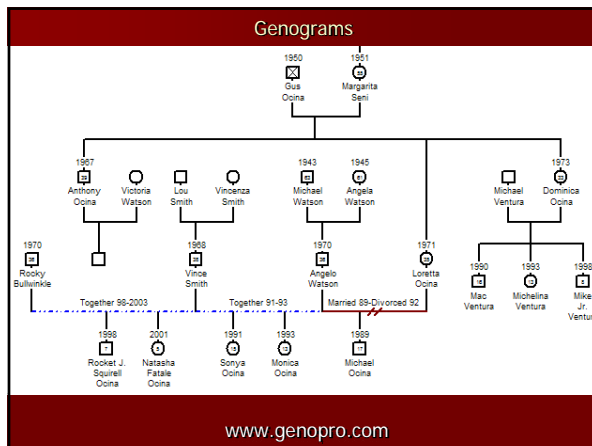
When bad stuff is happening to them:

- Probation is revoked
- Food stamps are being denied
- Welfare is being cut off
- Eviction proceedings are beginning
- Deportation process is initiated

These aren't pleasant experiences. We want to differentiate ourselves from those bureaucratic actors.

After the initial interview

- Set up a time for a more in-depth conversation.
- Ask your client who else you should talk to to understand the family.
- Consider constructing a genogram to confirm understanding of the family.
- Make sure you talk about what will happen next.



Understanding the family

- What do you know about the family beyond the allegations?
- Is there a stable extended family?
- Does the parent have a job or engage in another activity that demonstrates a sense of responsibility and consistency?
- Does the parent have a good track record of attendance at a particular program?

Other questions

- Is the family involved in religious or community-based activities or organizations?
- Have the parents attended to the child's education and medical needs?
- What obstacles has the family recently overcome?
- Need to identify the family's strengths

Some things to remember

- You are not your Client
- The Client Directs: You Advise, Research, Prognosticate
- The Client can change/create the facts of the case
- The Client has to make progress, not the lawyer.
- Even our own children don't do what we want them to do.
- The Client is allowed to make bad decisions.

Watch out for biases

- We all care deeply about kids and have strong feelings regarding parenting.
- Are my past experiences influencing my advocacy in the case?
- Am I substituting judgment for my client based on what I think is best for him or her?
- If your beliefs are hindering your advocacy, then you should withdraw.

"With great power comes great responsibility."

- Remember that you are in a position of authority
- Your clients look up to you and will listen to you
- They will take your advice seriously
- Very different dynamic than your interactions with your colleagues, friends, family. Significant power differential exists

Communication of Goals

- What does my client want. Importance of *concurrent planning*.
 - Custody
 - Kinship care
 - Other parent
- What are realistic goals of representation
- How can I help move the case to that point
- Client must know that every dependency proceeding can become a termination case. The clock is ticking from day one.

Goals: Is it to fight about the past or to show change for the future.

Adjudication issues

- If this the issue is whether s/he did it, then this resembles a traditional criminal trial set up so
 - Find your witnesses
 - Develop your counter theory
- If it's a recovery case then talk about limiting damage and using adjudication as a step forward.
 - What can you do to show that your client is making some progress.

Goals: Past v. Future and The ramifications of the choice.

- **How You Explain things to the Client**
 - “You may be wronged but you are going to have to make it right.”
 - What the client will need to do to make progress.
 - Do they start participating in services immediately?
- Recovery is powerful & universal.
- Where you put your efforts:
 - Courtroom vs. Outside the courtroom

Regardless of the focus, we must keep parents engaged

- After removal, parents are likely to hit rock bottom.
- Easy for them to feel frustrated, alienated and want to drop out of the process.
- They are scared that their child is living with a stranger. Think about what you've heard (and what you know to be true) about foster care.
- Their anger and fear may prevent them from making sound decisions.
- The system will want to shut them out.

Stay connected with national network

- ABA National Project To Improve Representation For Parents (<http://www.abanet.org/child/parentrepresentation/home.html>)
- Listserv, resources, technical assistance
- First National Conference: May 13-14, 2009, Washington DC. Register now.
