

# 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:

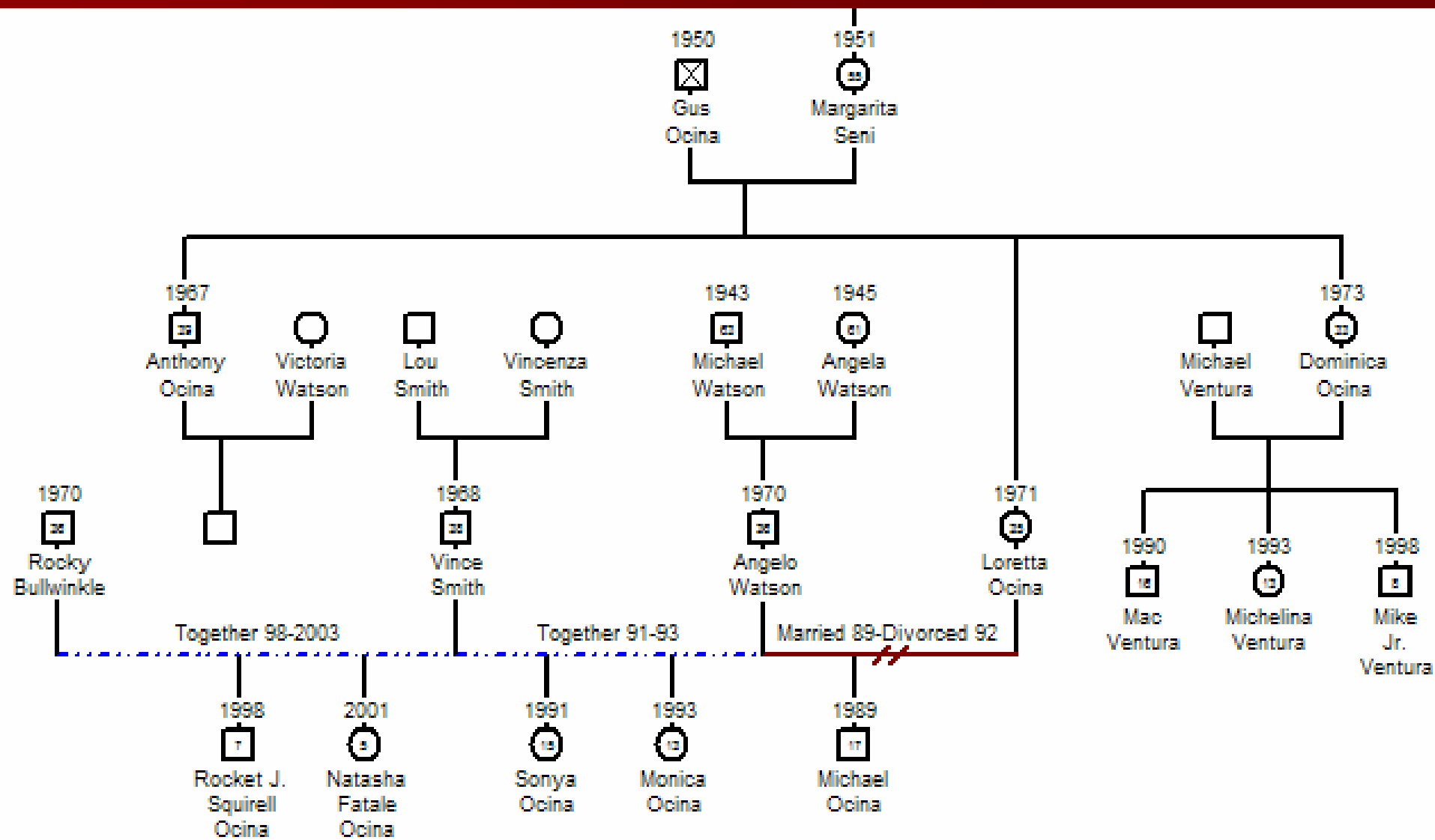
- Probation is revoked
- Food stamps are being denied
- Welfare is being cut off
- Eviction proceedings are beginning
- Deportation process is initiated

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.

# Genograms



# 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

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- 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.*

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## ■ **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>)
- Listserve, resources, technical assistance
- First National Conference: May 13-14, 2009, Washington DC. Register now.