

# So You Want to Engage an Adolescent Client in Their Case Great — they want to be engaged!

A tip sheet on authentically engaging adolescent clients throughout their child protection case.

## Introduction

Attorneys must authentically engage youth experiencing the foster care system in all aspects of case planning and advocacy. Youth who have experienced the foster care system often share they did not fully understand the role of their attorney, who their attorney was, or even if they had an attorney appointed to represent them. Many people with lived experience have emphasized that this information would have made a positive difference. This tip sheet provides attorneys with best practices for engaging adolescents based on a basic understanding of brain science and the impact of trauma on the brain.

## Adolescent Brain Science

Adolescence refers to the time period between ages ten and nineteen years old. Understanding adolescent brain science is important so that attorneys can engage clients in developmentally-appropriate ways and advocate for opportunities for positive development. Adolescent brains are generally driven by the “three R’s”:<sup>2</sup> **Regulation, Rewards, and Relationships.**

**REGULATION:** Adolescents have increased levels of dopamine, a pleasure chemical, which makes it easier to miscalculate the potential negative outcomes of a decision. This does not mean that adolescents cannot make sound decisions. Rather, they simply may need additional time to consider a situation, process related emotions, and then come back to the matter at hand.<sup>3</sup> Hot cognition refers to situations in which the adolescent feels stress and is emotionally aroused, such as experiencing peer pressure. Cold Cognition describes situations in which the adolescent can make unhurried decisions with the chance to consult with others.<sup>4</sup>

“Adolescence...[is]...second only to infancy in the extent and significance of the neural changes that occur. The nature of these changes — in brain structures, functions, and connectivity — allows for a remarkable amount of developmental plasticity unique to this period of life, making adolescents amenable to change.”<sup>1</sup>

**Attorney Tip:** *Plan for additional time for processing (i.e., brain processing, thinking, absorbing) during court hearings, team meetings, and other key decision points to ensure clients can make decisions while in cold cognition.*

1 National Academies of Sciences, Engineering and Medicine. (2019). *The Promise of Adolescence: Realizing Opportunity for All Youth*. Washington, DC: The National Academies Press. doi: <https://doi.org/10.17226/25388>.

2 Jim Casey Youth Opportunities Initiative. (2017). *The Road to Adulthood: Aligning Child Welfare Practice with Adolescent Brain Development*. p. 10. Available at: <https://assets.aecf.org/m/resourcedoc/aecf-theroadtoadulthood-2017.pdf>.

3 This aligns with principles of adolescent development that have been foundational in the juvenile justice arena. See, e.g. “The Supreme Court and the Transformation of Juvenile Sentencing” (2015), p. 9. Available at [https://www.njjn.org/uploads/digital-library/MFC-The\\_Supreme\\_Court\\_and\\_the\\_Transformation\\_of\\_Juvenile\\_Sentencing-Sept-2015.pdf](https://www.njjn.org/uploads/digital-library/MFC-The_Supreme_Court_and_the_Transformation_of_Juvenile_Sentencing-Sept-2015.pdf) (Explaining that “Developmentally-appropriate interventions and placements that are designed to strengthen adolescents’ self-regulation can take advantage of the malleability of the relevant brain systems during adolescence and their susceptibility to positive influence.”)

4 Jim Casey Youth Opportunities Initiative. (2017). *The Road to Adulthood: Aligning Child Welfare Practice with Adolescent Brain Science*. p. 13. Available at: <https://assets.aecf.org/m/resourcedoc/aecf-theroadtoadulthood-2017.pdf>.

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**REWARDS:** Adolescents are far more receptive to rewards than punishment.<sup>5</sup> Mistakes are part of learning and can support healthy brain development.

*Attorney Tip: Advocate for safe opportunities for adolescents to make mistakes without punishment, emphasize rewards-based learning, and advocate for adolescent clients to experience the same positive experiences as their peers to promote a sense of normalcy.*

**RELATIONSHIPS:** During adolescence, social acceptance and rejection is very important. In fact, research shows that adolescents learn more when they are with their peers.<sup>6</sup>

*Attorney Tips: Consistently inquire about family, siblings, and friends and advocate for clients to maintain healthy relationships with them.*

*Align as a professional ally with the client and provide support rather than reprimanding them. Maintaining a positive relationship with the client can help the client feel supported, rather than judged - which may be how they experience other adults in their life.*

### Trauma and the Brain

Adolescents who have entered the foster care system have experienced trauma from being removed from their home and/or potentially from events that led to their removal. Although trauma can impede the development of the brain and hinder its healthy growth, the brain is also resilient and able to change because of neuroplasticity. Neuroplasticity is the ability of the brain to form and recognize new neural connections, especially in response to learning or experience following injury.<sup>7</sup>

When adolescents experience maltreatment or removal from their home, it impacts the limbic system, which is the part of the brain that drives behavioral and emotional responses and survival behavior.<sup>8</sup> Signs of limbic system stress “can produce chronic low-level unhappiness, aggression, and violence to oneself or others.”<sup>9</sup>

*Attorney Tips: Regularly consider how trauma impacts the adolescent brain, particularly when it comes to an adolescents’ decision making and incorporate this context into your advocacy.*

*Support healthy brain development and rewiring for adolescents who have experienced trauma by offering spaces of healing, fostering a trusting relationship, and identifying opportunities for growth.*

### Authentic Engagement in the Attorney-Client Relationship

#### Explaining the Attorney’s Role

It is crucial to meet with the client at the onset of representation to explain the attorney’s role thoroughly and in a developmentally-appropriate manner. There are usually many different professionals assigned to an adolescent’s case, and it can be challenging to understand what the expectations should be for each person. The attorney should make sure that their client has the contact information for each of these professionals.

<sup>5</sup> Id. p. 11.

<sup>6</sup> Id. p. 29.

<sup>7</sup> Id. p. 13.

<sup>8</sup> For more information, visit: Queensland Brain Institute <https://qbi.uq.edu.au/brain/brain-anatomy/limbic-system>.

<sup>9</sup> Jim Casey Youth Opportunities Initiative. (2019). *The Road to Adulthood: Aligning Child Welfare Practice with Adolescent Brain Science*. p. 13. Available at: <https://assets.aecf.org/m/resourcedoc/aecf-theroadtoadulthood-2017.pdf>.

## So You Want to Engage an Adolescent Client in Their Case

*Attorney Tip: After explaining your role to the client, allow for questions about the attorney's role or other professionals' role, and inquire about how the youth feels about having an attorney represent them.*

Young people in foster care are experiencing instability and change, including emotions from having been removed from their home, placed in a foster home, being separated from their siblings, and feeling confused about what is happening in their life. It is important to pause throughout the conversation to ensure a common understanding and confirm that the client is processing the information the attorney is providing. An adolescent should leave each attorney-client interaction knowing:

- What the next steps are;
- Times and methods to reach their attorney (email, phone, text, etc.);
- When they can expect to hear next from their attorney;
- How often the attorney will be making routine contact; and
- Who to contact in case of an emergency.

The attorney should ensure that the client has these pieces of information during the first meeting and routinely confirm, as information may easily be misplaced during placement changes.

### Building Rapport in the Attorney-Client Relationship

The first interaction the attorney has with the client should not be the same day as a court hearing. It is natural for some adolescents to not understand what is going on or to be closed off. Instead of jumping immediately into the content of the court proceedings or details of their case, it is important to build rapport.

*Attorney Tip: To build rapport, attorneys should ask about the client's interests, hobbies, friends, and placement; inquire about key people in the client's life, such as parents, siblings, family, extended family, mentors, etc.; and Invite the client to tell you how they want to be supported. Be prepared for the client to not know but ask again at a later time to reinforce that the attorney-client relationship is one of support and partnership.*

Once it feels like there is a good flow between the attorney and client during the initial meeting, the attorney should raise case specifics and ask if they have any questions. If the client is resistant or shuts down, it can be helpful to provide them with additional ways to communicate. For example, they may want some time to digest written information and ask questions later. This is an opportunity for the attorney to help their client practice regulation and give them the time they need to process what they are thinking and feeling.

*Attorney Tip: For successful client interviews, attune to the client's nonverbal cues, taking into account cultural differences, such as how they are sitting, the position of their arms, and eye contact<sup>10</sup>; ask the client what they need to stay regulated; (i.e., offering a break); tell the client they can stop the conversation at any time; and acknowledge they may get overwhelmed.*

At subsequent meetings, attorneys should follow up on previous conversations with their clients. This can help build rapport and shows that attorneys are listening to clients and care about – and remember – what they say.

<sup>10</sup> Fremont University. (n.d.) How to Read Body Language – Revealing the Secrets Behind Common Nonverbal Cues <https://fremont.edu/how-to-read-body-language-revealing-the-secrets-behind-common-nonverbal-cues/>.

### Adolescents in Court

An adolescent should have the choice to attend court, be encouraged to attend, and be fully prepared and supported before, during, and after a hearing. Attorneys should advocate for court hearings at dates and times the client is available.

#### Preparing an Adolescent Client for Court

- Attorney Tips:*
- Schedule a meeting with the client specifically to prepare for court;*
  - Explain the purpose of the hearing and what information will be covered. Give the client time, alone or with attorney assistance, to read reports filed by social workers or others, so they know which topics may arise in court. Help the client interpret documents and ensure accuracy;*
  - Preview what the courtroom will look like, the process of entering the courthouse, the layout of the waiting room, who will be present, where they will sit, when they will talk, and the order of court proceedings; This is especially important if it is the client's first time attending court;*
  - Offer to practice certain formalities that happen in court, such as standing and stating one's name for the record;*
  - Ask the client if they need any accommodations, such as a language interpreter or requests, or items that will make the experience more comfortable – Ex. bringing a book, snack, or toy with them;*
  - Ask the client how they would like to be supported during the hearing. Offer to advocate for a support person to attend court with the client, such as a good friend or mentor;*
  - Ask client if they'd like to speak in court (orally or in writing) and help facilitate whichever mode the client prefers;*
  - Inquire about any additional resources (i.e., tutoring services, mentors, funding for sports, etc.) that they may want raised in court;*
  - Explain you will use the client's preferred name and pronouns in and out of court, and ask others to do the same; and*
  - For virtual court, ensure youth has an option to be near someone they feel comfortable with and are in a private space where they can talk freely.*

FIFTEEN-YEAR-OLD LINDA became unresponsive during a team meeting. At the end of the meeting, after all agenda items had been covered, the facilitator asked Linda if she had anything to add. She shook her head. Everyone in the room was ready to end the meeting and began to pack up their things. Rather than allowing the meeting to conclude, the attorney asked if the meeting could be paused and reconvened in ten minutes, after Linda could have some space. This allowed Linda to catch her breath and practice **regulation** of her emotions. The attorney asked how they could provide support and reminded Linda that “It’s fine to feel however you are feeling; there is no right or wrong way to feel right now.” This helped Linda feel cared and advocated for and strengthened the trusting rapport with her attorney, which helped promote positive **relationships**. When the group reconvened, the attorney pointed out that Linda was willing to take a break and come back to finish the discussion, using a strengths-based approach that served as a **reward** for the youth.

## Engaging an Adolescent Client During Court

*Attorney Tips: Immediately prior to the hearing, ask the client if they have questions or new information they would like to raise;*

*Ensure the client has the opportunity to communicate directly with the judge if they want to;*

*Although there will naturally be legal terms used throughout the hearing, ensure clients understand what is being said by inquiring about their understanding throughout the hearing;*

*Highlight the client's accomplishments, big and small, during the hearing in front of the client and all parties.*

## Supporting a Client After Court

Even if an adolescent is properly prepared, it still may be difficult to take in all the information and navigate the range of thoughts and feelings that naturally arise during court hearings. Proper post-court support will look different for each client. Some may want to talk right after the hearing, while others may need time to decompress and process information before debriefing.

*Attorney Tips: Give clients time to digest and process information after court;*

*Review the court order and next steps thoroughly with the client;*

*Ensure ample time for asking questions and multiple comprehension checks. A helpful way to make sure a client understands is having them repeat their understanding of what you said and then clear up any discrepancies;*

*Between court hearings, contact the client to see if they have any questions, unaddressed needs, or new court advocacy issues.<sup>11</sup>*

## Engaging Adolescent Clients in Other Case Events

Outside of court hearings, there are events where advocacy and representation from an attorney is vital. These include team meetings, school meetings, and visits to resource family homes. Attorneys should prepare clients for these interactions just like they do for court hearings. For example, the client may have questions for other people in attendance or about the overall purpose of the meetings. These case events are another opportunity to practice using the three R's and carve out space for cold cognition.

*Attorney Tips: Look for verbal and non-verbal cues to assess if a client may feel overwhelmed;*

*Support the client's emotional regulation by advocating for breaks as needed. The client may want a break from everyone, get some fresh air, or take some time to talk to a trusted person;*

*Provide the client with a safe space to vent or allow space for silence until they are ready to talk;*

*Advocate for rewards for their accomplishments (i.e., extended curfew, outings, time spent with friends, etc.).*

<sup>11</sup> National Association of Counsel for Children. (2021). *Recommendations for Legal Representation of Children and Youth in Neglect and Abuse Proceedings*. p. 11. Available at: <https://www.NACCchildlaw.org/page/StandardsOfPractice>.