Office of the Child’s Representative

Core Competency Training

Communication Strategies with Children, Parents & Professionals

Out of Court Meetings

- Treatment Provider Staffings
- Team Decision Making (TDM)/VOICES
- Education Meetings
- Mediations
- Parent and Child Interaction

GAL needs to Prepared and Informed to Discuss the Following

- Purpose/Situation that triggered the meeting.
- ➢ Initial meeting after a case is filed is information gathering so that a GAL is forming their theory of the case.
- Danger or harm that the child is currently at risk for.
- Danger or harm that the child has historically been at risk for.

- Risk factors or Complicating factors including past incidents.
- What is currently working well?
- Strengths of the child and family.
- Solution focused discussions. It is important for the GAL to find strengths in the family and build on those. Every family has something they do well and finding that is crucial.

Assessing Services for the Family

- What are the current services?
- What are the current providers?
- Amount of time the services are offered?
- Analyze each and every service to determine purpose and effectiveness.

Analyzing each Service for each family member.

- Example: FATHER
- Are services appropriate and addressing the issue(s) that brought the case to the court?
- Explain progress or lack of progress?
- Be specific!
- Do Not just say that you have concerns. Families deserve for the GAL to be specific.
- Are additional services needed and if so what are they?

Other Topics to Discuss

- Placement.
- Parenting Time. (NOT visitation)
  - Does it need to be expanded or reduced?
- Education.
- Medical.
- Barriers to return home or remaining home.
- Safety Network. (Handouts: Family Tree and Circle of Support)
- Permanency.

Out of Court meetings

- During these meetings it is important to stay professional and unbiased.
- Families often categorize every professional together as the “system.”
- Avoid the appearance of being in the departments “pocket.” Acting too friendly with the respondent parent counsel or caseworker can lead to a parent feeling to distrustful and will not allow for open communication.

Engaging Children and Building Rapport

- The dictionary defines rapport as, “a close and harmonious relationship in which the people or groups concerned understand each other's feelings or ideas and communicate well.”
- Rapport is based on respect and acceptance.

Rapport

- Engaging the child and bringing the child to trust and believe that you are there to listen and help.
- You must listen actively and let the child know that you are interested in the information being provided.
- Every detail is important.
- Children have a lot to say!

Rapport

- Children are the experts about their family and their life.
- Even parents who have made mistakes know their child and the information they can provide should be honored and respected.
- The GAL does not tell the child what is important. Rather, the child tells the GAL what is most important.

Rapport

- Children are often scared and confused about why you want to speak to them.
- Ask the child why they think you want to speak to them.
- Allow the child to explain and ask questions for as long as the child needs.
- The interview time is driven by the child not the GAL.

BEST QUESTION!!

- So……
- WHAT HAPPENED NEXT?
- **NEVER MAKE PROMISES TO THE CHILD!**

Building rapport with different ages

- Pre-schooler
- Elementary
- Pre-teen
- Teen

Pre-schooler

- Ages 2 to 5.
- This age wants to please adults so be very careful to not suggest.
- These children should be able to tell you a who, what and where about a situation.
- Build rapport by asking about colors and animals.
- The may like to show off their ABCs or numbers.

Elementary

- Ages 5 to 10.
- They still want to please, but have also learned how to manipulate. They can withhold or add information to try and achieve a desired outcome.
- They should be able to tell who, what, where and also discuss multiple incidents.
- Build rapport by talking about pets, school, and friends.

Pre-teen

- Ages 10 to 13.
- This age is testing the system. They are even better about withholding or adding information.
- Build rapport by letting them lead the conversation. Children this age are very focused on themselves and like to lead.

Teen

- Ages 13 and up.
- This age is attempting to be independent.
- They want to be treated as adults and will be more open if treated maturely.
- Look for things that interest them.
- Be aware they may say something to startle you and are testing to see how you react.

18 to 21 years old

Dependency & Neglect Jurisdiction

19-3-205

- Jurisdiction SHALL continue until a youth turns 21, unless earlier terminated by the court.

18 to 21

- Youth these age may or may not have developed adult narrative skills.
- They can become confused with linguistic ambiguity like metaphors, sarcasm, or jokes.
- They will still lose track with long, complex questions.
- They are very reluctant to ask for clarification or acknowledge they do not understand something. Pay attention to body language.

Rapport

- Gaining Rapport:

➢ Setting

➢ Style

➢ Language

➢ Trust

Setting

- Quite
- Private as possible
- Minimal distractions
- Children will watch the cues from siblings and adults. Be mindful of non-verbal cues.
- Interview each child alone. They each have their own story to tell.

Style

- Use a non-threatening opener.
- Examples: “Tell me something you like to do for fun?”
- “I wonder if it is hard to talk to someone you just met?”
- “I am here to talk to you and listen to what you want? You are like my boss!”

Style

- Sit on the floor or eye level with the child.
- Use a verbal tone that is not threatening or aggressive.
- Use comforting touch only when appropriate.

Language

- Verbal and Non-verbal Language
- Developmental age vs. Chronological age.
- Children are confused by complicated language, compound or excessively long sentences.
- NO legalese.
- Using language the child does not understand interferes with rapport building.

Language

- Using language a child readily understands reinforces and enhances rapport and trust.
- Use the language the child is using.
- Remember important people, places or things that the child has discussed. What is important to the GAL may not be important to the child.

Language

- Choose language that is appropriate to the developmental level of the child.
- Understanding the developmental level is necessary to speak to a child and interpret their statements.
- Do not question children like they are adults.
- Keep your messages simple, concise and to the point.
- Focus on one topic or one aspect at a time.
- Avoid frequent or rapid switches of topic.
- Use the child's words. For example if the child calls their father "Shorty" use that word instead of father.

Non-Verbal Language

- Adjust your body language and approach so that you are non-threatening.
- Observation of the non-verbal behaviors of the child may also give insight into how the child is feeling.
- Speak to the child at their level and make eye contact.
- Be careful to not react in a negative way to what the child is saying.

Comprehension

- Children can usually understand more than adults give them credit for.
- Even very young children can provide helpful information and understand more than is obvious.
- Children with developmental delays and communication deficits can understand and participate in their case.

Building Trust

- Trust builds with children and adults by specific acts carried through consistently over time.
- Building a trusting relationship with children does not happen overnight. It takes time and patience.
- Remember these children have been failed by the adults who should have protected them so they are slow to trust new people.

Building Trust

- Trust must be earned and maintained with consistent actions.
- If you tell a child you are going to do something you must follow through. These children give you one chance before they decide if you are trustworthy.
- Once the trust is broken it is hard to ever go back.

Tips for Building Rapport and Trust

- First impressions is a crucial stage.
- The GAL should present themselves as a neutral, non-intimidating, supportive adult.
- Give the child time to become familiar with you and the environment.
- Give the child simple choices.
- Begin with neutral, non-threatening questions.

Tips continued

- Pay attention and avoid distractions.
- If a child is withdrawing or have a negative response end that line of questioning or even end the interview.
- A child may need to be interviewed multiple times for short periods of time to become comfortable and able to talk about their abuse.

Rapport Building with Parents

- Respect the parents even though they may have made some mistakes.
- Parents may be defensive, scared, suspicious, guilty, shameful or angry.
- The court process can be long and confusing. For parents waiting to find out what will happen with their children is very stressful. A GAL can help alleviate this by providing updates and letting a parent know your concerns and positions on an ongoing basis.

Rapport Building with Parents

- In the beginning of the case the GAL needs to explain their role and how that differs from the caseworker, respondent parent counsel or any other party.
- Take away the “unknowns” so that honest communication can occur.
- Set the GAL’s expectations in the beginning of the case.
- Explain the duty of an independent investigation.

Rapport Building with Parents Tips

- Acknowledge parents at court, meetings, home visits, etc…
- Learn their names and find out how they would like to be addressed.
- Communicate often in various forms.
- Invite them to share any concerns or issues.
- Let them know what is expected and how they can help.
- Allow parents to be involved in some decisions when appropriate.
- Share every success and attempt to remain solution focused.

Communication Strategies with Parents and Professionals

- Be respectful. Everyone has a job and role to do.
- Be open to other's positions and listen to their points of view.
- Even when you do not agree state your position using not only the facts but the LAW.

Communication Strategies with Parents and Professionals

- Active Listening – Being attentive to what the person is saying, verbally and non- verbally. Sit facing the person, open posture, lean toward the client, eye contact, and relax.
- Sharing Observations-making observations by commenting on how the other person looks, sounds, or acts. Example:” you look tired” or “I haven’t seen you eating anything today”.

Communication Strategies with Parents and Professionals

- Sharing Empathy- The ability to understand and accept another person's reality, to accurately perceive feelings, and to communicate understanding. Example "It must be very frustrating to know what you want and not be able to do it".
- Sharing Hope- Communicating a "sense of possibility" to others. Encouragement when appropriate and positive feedback. Example "I believe you will find a way to face your situation, because I have seen your courage in the past".

Communication Strategies with Parents and Professionals

- Sharing Humor- Contributes to feelings of togetherness, closeness and friendliness. Promotes positive communication in the following ways; prevention, perception, perspective.
- Silence- Time for the GAL and the professional or parent to observe one another, sort out feelings, think of how to say things, and consider what has been verbally communicated.

Communication Strategies with Parents and Professionals

- Providing Information-Relevant information is important to make decisions, experience less anxiety, and feel safe and secure.
- Clarifying- To check whether understanding is accurate, or to better understand.
- Asking Relevant Questions- To seek information needed for decision making. Asking only one question at a time and fully exploring one topic before moving to another area. Open-ended questions allows for taking the conversational lead and introducing pertinent information about a topic.

Communication Strategies with Parents and Professionals

- Summarizing-Pulls together information for documentation. Gives a parent or professional a sense you understand. It is a concise review of key aspects of an interaction. Summarizing brings a sense of closure.
- Confrontation-helping the parent or professional become more aware of inconsistencies in his or her feelings, attitudes, beliefs, and behaviors.

Cultural Competence

- Cultural competence is a set of congruent behaviors, attitudes, and policies that come together in a system, agency or among professionals and enable that system, agency or those professions to work effectively in cross-cultural situations.

- The word **culture** is used because it implies the integrated pattern of human behavior that includes thoughts, communications, actions, customs, beliefs, values and institutions of a racial, ethnic, religious or social group.
- The word **competence** is used because it implies having the capacity to function effectively.
- Cross et al. (1989)

"At the individual level, this means an examination of one's own attitude and values, and the acquisition of the values, knowledge, skills and attributes that will allow an individual to work appropriately in cross cultural situations."

Denboba, MCHB, 1993

- Cultural competence mandates that organizations, programs and individuals must have the ability to:
- value diversity and similarities among all peoples;
- understand and effectively respond to cultural differences;
- engage in cultural self-assessment at the individual and organizational levels;
- make adaptations to the delivery of services and enabling supports.

Cultural Considerations

- The same person can belong to several different cultures depending on his or her birthplace; nationality; ethnicity; family status, gender; age; language; education; physical condition; sexual orientation; religion; profession; etc….
- Culture is the lens in which someone views the world.

Cultural Considerations

- Becoming more aware of cultural differences as well similarities, can help a GAL communicate with others more effectively.
- Do not be afraid to acknowledge a lack of understanding and have the child or family explain their culture.
- However, being from a different culture does not justify abusive behavior!

Effectively Interviewing the Child

Beginning the Interview

- Home visits are often the best and most appropriate place to interview a child.
- Explain your role as GAL.
- Explain the limitations of confidentiality. Use age and developmentally appropriate language.
- Describe best interest representation.

More techniques

- Playing an age appropriate game in the beginning will help the child to reduce anxiety.
- It is very important to remember that as we are interviewing we are also observing a child's behavior. Do not fall into the trap of misinterpreting their play or taking their words literally. Do not reach a conclusion based on one piece of information.

Communication Challenges

- Child refuses to speak
- Developmentally delayed child
- Child is so unfocused they cannot be interviewed.
- Child is angry and violent.
- Child is over medicated.
- A child is distraught.

➢ Be patient! Do not panic the child will come around if you show empathy and compassion.

Do not….

- Change the subject when the discussion is about a difficult topic.
- False Reassurance, do not makes promises like “Everything will be fine.”
- Passive or aggressive responses. Passive responses avoid an issue that should be discussed. Aggressive responses can provoke a confrontation.
- Do not argue with a client. Pointing out why you disagree is good modeling and informs that client of how you see things differently.

Infants

- Since we cannot interview an infant, observation of the child in their environment is helpful.
- Observe the child with their parents and also if they are placed out of the home with their caretakers.
- Assess the child's developmental progress or lack thereof.
- Interview all the collaterals who know the infant.

2 to 5 year olds

- Use short simple sentences and questions.
- Use the child's terms. If you are not aware of the terms, ask the child "What do you call_?" or "Tell me about_?".
- Use names not pronouns. For example "Uncle Bruce", rather than "he".

2 to 5 year olds

- Rephrase a question a child does not understand rather than repeating it. This will help the child not become anxious or irritated.
- If you repeat the question the child may think they gave the wrong answer the first time and change their answer to please the interviewer.
- Avoid as much as possible questions with time.
- Children who not do want to be interviewed often do better with games such has: 3 wishes, magic wand, or telephone.

6 to 9 year olds

- Some of the same techniques work well with this age group too.
- Do not ask “Do you understand?”. A better method to assess comprehension is to have the child to repeat what you have said.
- Try not to follow every question with another question. Children do better when it is more of a conversation.
- Games are also effective with this age group.

Teens

- Many of the previous techniques apply to this population as well.
- Teens can be angry, hostile and defensive.
- Playing games or drawing do not usually work.
- Teens will have more questions and concerns about best interest representation and this should be explained multiple times.

Teens

- Teens will have a much better understanding about what is happening with their family and why a GAL is involved.
- They may be protective of both themselves and their family so may be resistant to questioning.
- Focus on topics that are central to their life but are not about the abuse or neglect. Examples are dating, friends, classes, sports.

Young Adults

- Even with young adults still use simple, one topic questions.
- Ask them what they think is going on with their case to assess their understanding and to also see what their plan is. This is especially important with emancipating youth.
- Try to distinguish between normal adolescent behavior and withdrawal.
- Encourage this group of youth to attend hearings and model for them self advocacy.

Synthesizing the Information

- Putting together all the information you have learned about the child to help form your position and next steps in the case is a painstaking task.
- Every piece of information is important.
- Like putting a puzzle together, the goal now is to make the information clear enough so that you can formulate a best interest recommendation.

Best Interest Determination

- The GAL's determination of what is in the child's best interests must include an independent investigation.
- The child must be consulted in an age and developmentally appropriate manner, and the GAL must inform the court of the child's position.
- When appropriate the child should attend court in person.

Independent Investigation

- CJD 04-06 Conduct an independent investigation in a timely manner which shall include at a minimum: a. Personally interviewing the child (if appropriate to the child's developmental level) and meeting with and observing the child in his or her placement as soon as is reasonable, but, in no event, later than 30 days following the GAL's appointment; b. Personally meeting with and observe the child's interaction with the parents, proposed custodians or foster parents including kinship care providers; Commentary: The GAL shall meet with the parents, proposed custodians, foster parents or kinship care providers who are providing ongoing care for the child and observe the child in that home. This requirement neither mandates nor is fulfilled by a GAL's meeting with the care providers and observing the child in a temporary intake placement service, respite care or juvenile detention holding facility, unless that is the only opportunity to observe the child. c. Reviewing court files and relevant records, reports and documents; d. Interviewing the respondent parents, with the consent of counsel; e. Interviewing other people involved in the child's life, including: foster parents; caseworkers; CASA volunteers; relatives; and school personnel, therapists and any other persons or professionals necessary to assess and serve the child's best interests. f. Confirm that the county department's investigation has included a CHIEF JUSTICE DIRECTIVE 04-06 Revised March, 2013 8 search for any prospective kinship, placement and/or adoption or potential tribal affiliation, or personally conduct such investigation, in the event these attempts to reunify fail. This part of the investigation should be conducted during the initial stages of the case. g. When appropriate, visiting the home from which the child was removed.

Best Interest Determination

- What happens when the child's position is not aligned with the GAL's position.
- The GAL must still rely what the child wants to the court.
- The GAL can then argue what they feel is in the child's best interest. NEVER surprise the client on the record. The child should be prepared in advance about WHAT the GAL plans to argue and also WHY the GAL is taking a different position.

Best Interest Determination

- After court the GAL must make time to explain to the child what happened.
- Respecting the child's anger, disappointment, or confusion is essential to maintaining a trusting working relationship.
- A GAL may need to do some work in re-building rapport and trust.

ABA Children's Rights Litigation Video

- http://apps.americanbar.org/litigation/committees/childrights/video/1006-interviewing-child-client.html
- Relationship Building & Rapport:
  - Video Time- 4:40 – 8:27
- Interviewing Techniques:
  - Child Centered Interviewing – 23:00 – 25:50
  - The Funnel Technique – 25:50 – 31:20