

# 10

## Tips on How to Work With Your Lawyer

Jessica Kendall, [kendallj@staff.abanet.org](mailto:kendallj@staff.abanet.org) and Lisa Pilnik, [pilnikl@staff.abanet.org](mailto:pilnikl@staff.abanet.org)  
ABA Center on Children and the Law

**1 Be honest:** Your lawyer cannot tell anyone what you share with him unless you say it's OK. So, you should not be afraid to be open and honest with your lawyer about the facts of your case and be sure to share with him any information that may be brought up against you in court. Telling your lawyer everything that happened and relevant information about yourself, good and bad, will help him give you the right advice and make the best case for you in court. This may include information you have about how or whether your child was abused or neglected, whether you have a criminal history or if you live with someone whom the agency may not think is appropriate to be around kids, if you are asking for custody of your child.

**2 Be prepared:** Take notes on the events that brought your child into the system and what happens during your case to share with your lawyer so she knows what is happening and can advocate for you. Before each time you meet with your lawyer, write down questions or issues you want to discuss with her. This will help your lawyer understand what is going on and what you want. Your lawyer is probably very busy with a lot of cases, so writing things down before you meet will give you a chance to discuss everything you want to cover.

**3 Tell your lawyer what you want to happen:** It is your lawyer's job to help you get what you want from the court and agency. This can include whom you want your child to live with, how often you want to visit her while she's in foster care and what help or services you or your child need (e.g., transportation, job training, health care, etc.). Take your time and think about what you want for yourself and your child and share these goals with your lawyer. When you first meet with your lawyer, tell him what your expectations are and ask him what he will be able to do for you. He will ask you questions about your goals and give you advice on how best to achieve them. He will also give you feedback on whether your goals can be met and if not, what else you should try to accomplish.

**4 Ask questions:** Ask your lawyer questions if you don't understand something. The court and child welfare systems can be confusing. It is important that you understand these systems so you can achieve the result you want for you and your child.

**5 Listen:** Your lawyer will analyze the law and the information you provided to give you legal advice on what she believes you should do. Listen carefully to this advice and decide if you want to follow it. Your lawyer provides you advice with your best interests in mind. If you don't agree, tell your lawyer why, so the two of you can talk about your options.

**6 Attend out-of-court meetings:** Ask your lawyer to go with you to important case planning and other meetings with the child welfare agency and other service providers. Your lawyer can advocate for you in these meetings and help make sure that the agency provides you services you need and asks you to complete them within a reasonable time. Try to get your lawyer's advice before you agree to participate in and complete services.

### Things to Bring When You Meet With Your Lawyer

- A list of questions to ask or issues you want to discuss with your lawyer.
- Your notes about what has happened in your case since you last spoke with your lawyer. Your notes may cover things like your progress in finding housing, your contact with your children and your attendance at agency meetings.
- Documents you have received since you last met with your lawyer (e.g., certificate from a parenting class, a letter from a caseworker, etc.).
- Your calendar, to schedule future meetings and confirm upcoming court dates.

## Questions You May Want to Discuss With Your Lawyer

*What rights and responsibilities do I have as the child's father? What are my rights to see my child? What are my rights to know about and participate in court hearings for the abuse/neglect case?*

*How long does my child have to stay in foster care? Can my child stay with me or one of my relatives?*

*Is what I tell you kept secret? What information should I give you?*

*What will you be able to help me with in the abuse/neglect case (placement, visitation, services, etc.)? Will you help me with other legal matters as well, like child support or a criminal case?*

*How much can (or should) I talk to other people involved in the case (caseworker, mom's attorney) when you aren't with me?*

*How will becoming involved in the abuse/neglect case affect my child support obligations? How will getting partial custody or increased visitation affect them?*

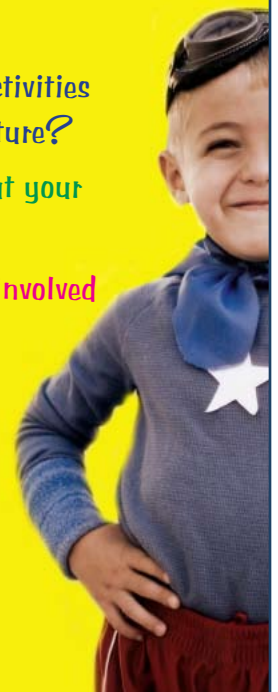
## PLEASE SHARE WITH US

*Do you have pictures of your activities or a great father-and-child picture?*

*A story you want to share about your program?*

*Creative artwork from someone involved with your program?*

*Other items to share in the newsletter? Send your items to Stefanie Vincent, QIC-NRF site coordinator at [stefaniev@americanhumane.org](mailto:stefaniev@americanhumane.org)*



**7 Keep in touch:** Make sure you have your lawyer's name, phone number and address so you can contact him when there are new developments in your case or when you have questions or concerns you want to discuss. Try to meet with your lawyer before each court hearing to update him on what is happening in your case, the progress you have made with your case plan and what you want to happen during the court hearing, and to give him important documents you have received from other parties since your last meeting. Make sure that your lawyer has all of your contact information (address, cell phone, etc.), and make sure to let him know if you move or get a new phone number.

**8 Keep your own file and share important documents with your lawyer:** Keep copies of all the papers you get from anyone involved in your case. This includes orders from the court, any papers you get from your lawyer and any documents you get from the agency or other service providers, like a substance abuse program, parenting class or job training program. When you start, make progress in or complete a class or program, make sure you get a written record of this progress and share it with your lawyer.

**9 Follow-up:** If you have called your lawyer, but she has not responded after a few days, don't be afraid to follow up. Leave her another message with your phone number asking for a call back within a certain amount of time or write her a letter. If you are not happy with how your lawyer is representing you, ask to meet with her to discuss your concerns. If you are still not happy with your lawyer's representation of you, ask your lawyer to withdraw as your counsel and request that the court appoint you a new lawyer. Child welfare cases move quickly and a parent may be required to do a lot in a short time. If you are not happy with the representation you are getting in court, it is important that you express your concerns and resolve these problems quickly.

**10 Speak the same language:** If you are assigned a lawyer who speaks a different language than you do, make sure you ask for an interpreter to be present at all meetings between you and your lawyer so that you can communicate and your lawyer can properly advise you.