



Colorado Office of the  
Child's Representative

## Empowering Youth: Transition to Client-Directed Legal Representation – Practice Comparison

Client Directed Legal Representation		
Practice	Client Directed	Best Interests
Attorney meets with children/youth	X	X
Litigate in Court	X	X
Conduct Independent Investigation	X	X
Can be therapeutic privilege Holder		X
Attend Staffings/Meetings	X	X
Represent Siblings that do not have a conflict of Interest	X	X
Also be the GAL in a JD case for the same youth		X
Confidential Attorney-Client Relationship	X	
May provide information about the youth	X	X
Advocate in Court for the youth's stated wishes	X	
Advocate in Court for what the attorney believes is in the best interests of the child		X
Consider Youth Safety	X	X
Subject to practice standards and oversight	X	X
Required to do annual training	X	X

Client Directed Legal Representation		
Practice	Client Directed	Best Interests
Meet with Children/Youth	Yes	Yes
Litigate in Court	Yes, attorney will zealously advocate for what the youth wants after counseling youth regarding their position.	Yes, attorney will zealously advocate for what the attorney has determined is in the child's best interests.
Independent Investigation	Yes, this is necessary in order to truly counsel the youth and determine effective legal strategy.	Yes, this is necessary to determine the best interests of the child and determine effective legal strategy.
L.A.N. Privilege Holder	No, a youth that is 12 or older with capacity to have counsel should hold their own privilege and counsel will advise them regarding their rights and provide legal counsel. Youth over 12 with diminished capacity will likely have a GAL.	Possibly, if a child is determined not be appropriate to hold their own privilege and there is a conflict with each parent/guardian then the GAL may act as psychotherapist patient privilege holder.
Attend Meetings/Staffings	Yes, see independent legal investigation	Yes, see independent legal investigation
Represent Siblings	Yes, as long as there is not a conflict of interest.	Yes, as long as there is not a conflict of interest.
Represent youth in D&N and JD case	No, the attorney may not be client-directed counsel in a D&N and the best interests GAL in a JD.	Yes, if the attorney is available and amenable.
Confidentiality	Yes (subject to exceptions in CRPC 1.6 and 1.14)	Duties flow to the best interest of the child.
Provide Information about the youth	Possibly, if the youth consents. Counsel will help youth understand and protect their right to privacy/confidentiality while also conveying that sharing relevant and specific information may benefit their position in the case.	Possibly, if the attorney determines it is in the best interests of the child to do so.
Advocate for what the youth wants	Yes. Attorney will counsel the youth, help the youth determine their objectives and discuss the youth's position and resulting legal strategy. Ultimately the attorney will advocate for the youth's stated wishes.	Possibly. Attorney will elicit the child's position, will inform the court of the child's position and advocate for what is in the best interests of the child. The child's position and their best interests may be aligned and the GAL should consider the child's wishes when forming their opinion on the best interests of the child but ultimately the attorney advocates for what they believe to be in the best interests of the child.
Consider youth's safety	Yes, as it informs the attorney's counsel of the youth, is an essential component of effective advocacy within this role and safety concerns may inform actions under the Rules of Professional Conduct.	Yes, as it weighs into the best interests of the child.