



Roles & Responsibilities of Case Consultants in Client-Directed Representation

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HB 22-1038: The Basics

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Brief overview of legislation

- See conference video training: [Nuts & Bolts of HB 22-1038](#).
- Similarities & differences between GAL role and CFY role.
- Referred to as RTC, 1038, direct or client driven representation.

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Confidentiality

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Confidentiality



Implications of group conversations.



Be prepared to explain the duty of confidentiality. This is new to everyone.



Avoid initial group meetings when possible.

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Speaking In Generalities

I'm happy to talk together and hope we can because that's the best way to find solutions.

But I have a very specific role and need to have private conversations with client.

I cannot discuss what we talk about without their permission.

I recognize there are concerns about X, Y, or Z. (These would be concerns that are already public/family knowledge.)

Client is interested in this or that service. Client is interested in working with mom, dad, etc.

I'll speak to client to see if I can get more insight or direction.

I don't think visits at this time are going to be productive.

We have discussed this and that's our position at this point.

Lawyer and I have open and honest conversations with client about all aspects of the case.

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Confidentiality Everywhere

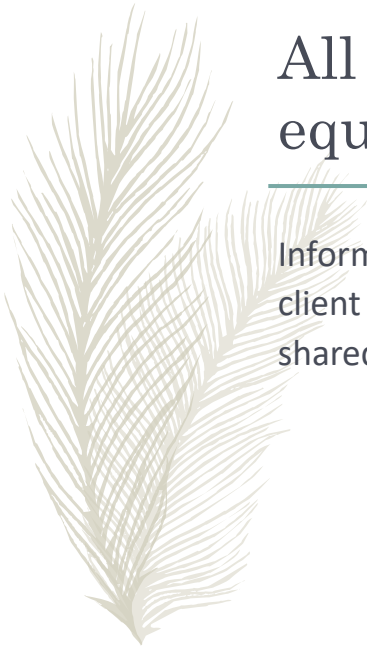


Service provider communication. When speaking with service providers you need to clarify with the client what you can tell practitioner initially (check with lawyer too).



Same with others. CASA, foster parents, school professionals, therapists, law enforcement etc.

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All information is not created equally

Information given to you by someone other than your client (i.e., CW, parent, etc.) is not confidential and can be shared with your client.

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When All Else Fails



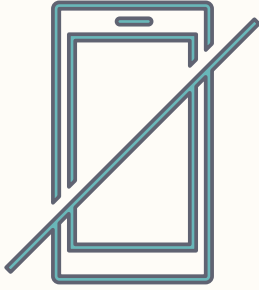
Say as little as possible and ask a lot of questions.



“Let me check with the lawyer.”

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Mandated Reporting



Even more so than under a best interest model, you are **not** a mandated reporter.

Colorado Rules of Professional Conduct 1.6. Anything learned in the representation of the client falls under confidentiality.

- a. If you see something concerning with other youth while visiting but not a client.
- b. Check with lawyer.
- c. Ask client's opinion on what to do with information.
- d. Does the other young person have a lawyer to contact and pass a message along to?

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Youth Engagement

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Who Am I Working With

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Consider: Adolescent brain development, immediate rewards/reactions vs. long-term strategy or plan.

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Be aware of tension.

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Break down process in steps.

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Help them understand how steps lead to stated goal.

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Who Am I And What Do I Do

Be clear on your role with client and others. Repeat.

Getting the truth is more a possibility with confidentiality.

Explain to the client that your opinion is not final, but that it is your job to explain your opinion to them and the reasoning behind it.

Why their input is so important. They are the boss and give the direction.

Getting the most realistic information to plan around increases chances for success.

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A Harbor In The Tempest




Have wide ranging conversations with client outside of others who are not on the legal team.



It's not therapy but it can be a safe space. It should be.

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Best Laid Plans



In preparation for initial meeting with client and planning team/family meeting (after consulting with attorney).

- a. Explain to client what you think makes sense to discuss or not discuss in group and why.
- b. Explain to client how you plan to address needs or clients' concerns.
- c. If client wants to speak at meeting, go over tips and practice self-advocacy.
- d. Consider having a private debriefing after.



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Welcome To The Party

Young person is a party to case.

What exactly does “party” mean? Child named in the petition is a party.

Educating client about the process.

Empowering to take an active role in the case, at meetings or in court.

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If It Were You

Child has right to be in court.

- Brainstorm ways to get client to court. Family, friends, neighbors who can provide rides/support.
- Answer questions about what going to court entails (but leave the legal explanations to the lawyer).
- Ease client's concerns about participating in court.

Meaningfully involve client from the beginning and throughout the process.

- Lawyer: Review legal documents, explain legal options.
- CC: Engage in communication & prep prior to meetings. Involve youth in planning discussions.

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You Can't Handle The Truth (but really, who can)

TRUTH any time, all the time.

Revisit what confidentiality means.

Revisit the role of the GAL and the CC.

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Safety Planning

Customized. Individual plan according to individual circumstances.

Consider. Do they have their own safety plan they've created over time?

Check ins. I'm going to talk to you tomorrow to see how things went, see if we need to do anything differently, etc.

Ask. Who is a family/friend/community individual you can reach out to if something goes bad?

If therapist involved. Can the CC tell the therapist information from the youth? Explain to youth why it may be helpful for you to talk with a therapist to address safety concerns.

Assess. How is youth spending their time in or out of home? Who provides support to the youth? Can safety concerns be mitigated? [\(additional training "GAL Safety Assessment"\)](#)

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Diminished Capacity

A child or youth who lacks sufficient capacity to communicate or make considered decisions adequately in connection with the child's or youth's legal representation. Age or developmental maturity must not be the sole basis for a determination of diminished capacity.

The lawyer's main responsibility is to maintain a normal attorney client relationship whenever possible, that lawyer can only take protective action in limited situations, and that even in those situations lawyer is not required to take protective action.

CFYs can provide support and consultation in developmentally appropriate communication and communication strategies that make help maximize client capacity and input. If you have concerns about capacity explain the concerns to the CFY to talk potential next steps.

Can have a new GAL appointed or GAL stays on and have a CFY appointed.

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Siblings

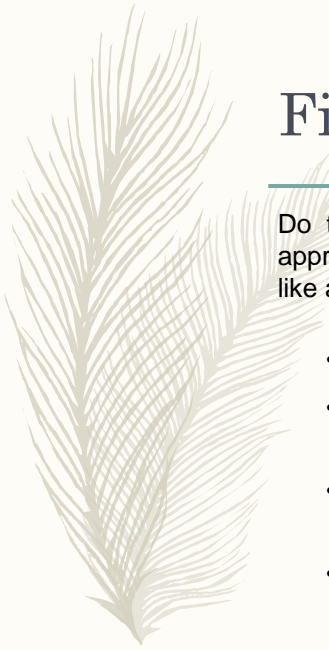
What constitutes a conflict?

Who asserts a conflict?

What to do if you think there is a conflict.

Confidentiality between siblings.

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Finally

Do the best you can, do what you can, and be able to let go and appreciate need for self-determination/expression/right to legal counsel like anyone else.

- Back up plans.
- Let client know that it is ok if things go sideways. You and the lawyer are going to be here during the whole process.
- Planning, adjusting plans, dealing with frustration are skills that will help client as adults.
- You work strictly for them. You are part of their legal team.