



Safe Babies
A Program of ZERO TO THREE™



AMERICAN BAR ASSOCIATION

Center on Children
and the Law

Family Engagement in Infant and Toddler Court Programs: Moving from Transactional to Relational Representation

Child welfare cases inhabit the intersection of trauma, family systems, and law. These cases touch the most intimate aspects of a client's life, including safety, parenting, and family stability. The transactional approach (call your worker, be on time for court, complete the service plan) can produce compliance in the short term, but it often fails to cultivate the trust, dignity, and empowerment needed for lasting, meaningful, and transformative outcomes. Outcomes that support stability and mental health development that young children, zero to three, critically need to reach their potential.

By contrast, relational advocacy, where the attorney-client relationship is grounded in trust, mutual respect, and sustained engagement, helps clients feel seen as individual people rather than inanimate cases to be managed. Relational advocacy prioritizes establishing permanent connections as early as possible because time in care represents a significant portion of life for children under three. Moving from a transactional to a relational model requires intentional strategies, structural support, and a shift in professional culture.

Parent Attorneys

Transactional representation is often the result of a child welfare system in which attorneys have heavy caseloads, there are limited resources, and efficiency is prized. Attorneys rely on task-oriented communications that include limited time to meet with clients, often minutes before hearings; are focused on compliance with court orders; and respond to the latest crisis or pleading. In this environment, clients often view the attorney as part of the system and not as their ally. For parents, this can deepen feelings of alienation from a system that already seems stacked against them.

Relational advocacy reorients the attorney-client dynamic. Instead of merely transmitting information, attorneys build connections that foster:

Trust – clients are more likely to be open and honest about their struggles and even their successes when they feel respected and safe

Engagement – clients who feel heard and respected are more likely to participate in services and court processes

Empowerment – client's voice is emphasized and supported in making informed decisions

Sustainable outcomes – clients who experience relational advocacy tend to achieve lasting stability.

This transformation to relational representation has benefits for the parent attorney. It can lead to deeper professional satisfaction, reduce burnout, and align practice with ethical duties of zealous representation and client-directed advocacy. Here are some strategies to build a parent attorney relational practice:

» **Early and consistent contact** – Meet with clients as early as possible after appointment but well before any hearings. Gather your client's perspective before diving into the allegations outlined by the child welfare agency. Even short check-ins can help build a more client-centered approach.

» **Active listening and story gathering** – Gather information beyond the legal facts. Take time to lean into your client's personal history, cultural values, and lived experiences to inform the representation.

» **Collaborative goal setting** – Work with clients to set goals that are centered on the client's objectives and not just in response to agency requirements and/or court orders. What does the client want life to look like when the case is over? Co-create timelines that consider personal milestones as well as court deadlines.



Trauma-informed practice is grounded in an understanding of the impact of trauma, and emphasizes the physical, psychological, and emotional safety for survivors. Trauma-informed practice shifts the focus from “what’s wrong with you” to “what happened to you.”

Trauma-responsive practice focuses on creating safe and supportive environments where people feel respected, understood, and empowered to heal. Trauma-responsive practice is the application of being trauma-informed.



Parent mentors or partners have successfully navigated their own cases and can provide unique insight, empathy, and practical support to families.

» **Transparency and plain language** – It is important to translate legal jargon and practices into clear, accessible language, so clients are empowered to make informed decisions. Think of providing written summaries so clients can refer to the information later. It is critically important to be candid and honest about what is happening.

» **Trauma-responsive practice** – Demonstrate respect and care for the client. Incorporate trauma-informed and trauma-responsive practices to strengthen relational bonds. Approach client setbacks in progress with empathy rather than judgment.

» **Parent Partner/Parent Mentor Supports** – Consider developing a parent-led, peer-to-peer program that engages parents with lived experience in the child welfare system to support and guide other parents. These mentors help build trust between parents and professionals, reduce fear and stigma, and promote more meaningful engagement in case planning and services. You could begin by involving one trusted former client as an advisor to help design the program and ensure it reflects the real experiences and needs of parents, either as part of the legal defense team or as a component of the Safe Babies site.

Parent's Attorney Case Illustration

Maria is a 27-year-old mother of two children, ages 5 and 2. Her children were removed from her care after a domestic violence incident involving her partner, which raised concerns about the children's exposure to harm and Maria's capacity to provide safe care. The child welfare agency filed a petition seeking foster care placement and services.

Mr. Jones explains to Maria that the relationship with her children—and her ability to strengthen and demonstrate safe parenting—will be central to the case. Together, they discuss how Maria can maximize her time with her children during visits and how to request increased family time. Mr. Jones also emphasizes Maria's relationships with her service providers and the caseworker matter, and coaches her on ways to communicate effectively in team meetings and case reviews.

Maria shares that transportation and childcare challenges are making it hard to attend domestic violence counseling. Instead of waiting until this becomes a compliance issue in court, her attorney collaborates with Maria and raises the concern in a team meeting, requesting bus passes and flexible scheduling. By involving Maria directly in shaping solutions, the attorney empowers her as an active participant, not just a passive recipient of services.

When in court, Mr. Jones frames arguments around not only Maria's legal rights but also her commitment to her children and her progress in strengthening her ability to parent safely. The attorney highlights Maria's consistency in visits and her efforts to build a support network, reframing her as a parent working hard to protect and reunify with her children rather than as a “case file.”

Children's Attorneys



Attorneys representing children in child welfare proceedings face unique challenges when their clients are infants and toddlers. Unlike older children, these clients cannot verbally express their wishes, provide their own narratives, or meaningfully engage in traditional attorney-client interactions. The young age and incapacity to communicate could tempt children's attorneys to approach the representation transactionally, focusing narrowly on case procedures, statutory requirements, and compliance with timelines. However, the developmental needs of very young children and the trauma inherent in separation, instability, and system involvement require a more relational approach to representation. These attorneys must advocate not only for legal outcomes but also for connections that honor and support the child's sense of identity, attachment, and long-term development.

Relational child representation anchors advocacy in a developmental context. It ensures that legal strategy aligns with what is most supportive of the child's relationships with caregiving adults. A child's relational representation must address foundational questions:

- » How can the legal process minimize disruptions and maximize continuity in relationships?
- » What services or interventions can strengthen a parent's ability to nurture and safely care for the child?

Central to the relational representation of children is prioritizing the child's relationships with parents, siblings, kin, and consistent caregivers. Attorneys can gain an understanding of the child's voice through observations of behaviors, developmental assessments, and caregiver reports. Ultimately, relational representation requires collaboration with social workers, medical providers, and early intervention specialists to determine services that address the child's developmental and emotional needs in conjunction with their safety. Here are some strategies to build a child attorney relational practice:

- » **Observe and engage with the child** – Attorneys should spend time with their infant or toddler clients outside of court observing how the child interacts with caregivers, including their biological parents, responds to comfort, or expresses distress.
- » **Advocate for continuity of care** – Argue against unnecessary placement moves, ensure sibling visitation, and push for consistent high-quality family time with parents to maintain attachment. Developmentally appropriate visits are short, frequent, and supported when needed.
- » **Elevate kinship and familiar connections** – Proactively identify relatives and argue for their engagement, helping maintain the child's sense of belonging and connection.
- » **Integrate early childhood expertise** – Partner with infant mental health specialists, pediatricians, and child development experts.
- » **Give the child a presence in court** – If the child is not going to be present at a hearing, bring photographs, developmental reports, or descriptive narratives into the courtroom to humanize the child and make them more than a file number.

Agency Attorneys



Fostering relational representation does not mean abandoning any duties to the child welfare agency. Rather, it involves adopting an approach that prioritizes transparency, respect, communication, and collaboration with all parties. By doing so, agency attorneys can help reduce conflict, support family engagement, and advance permanency goals effectively. Here are some strategies to build an agency attorney relational practice:

- » **Building trust through communication** – One of the most significant barriers is mistrust between families and the state. Agency attorneys can counteract this mistrust by providing clear explanations of the process and acknowledging emotions.
- » **Personalized courtroom advocacy** – Frame arguments with context that includes highlighting family strengths and progress toward services along with the presenting issues. Attorneys can avoid language that stigmatizes parents and instead describe challenges in constructive terms that recognize systemic barriers.

Child's Attorney Case Illustration

"Baby M," a 20-month-old child, was removed from her mother's care following substantiated neglect related to untreated maternal mental health challenges and unstable housing. She was placed in foster care with a licensed kinship caregiver (maternal aunt). The court appointed Ms. Rivera as Baby M's lawyer. Ms. Rivera practices relational representation—prioritizing relationships with and around Baby M to elevate the child's voice and strengthen the caregiving network.

Ms. Rivera visits Baby M regularly in her aunt's home. Even though Baby M cannot verbally express preferences, Ms. Rivera observes attachment cues, comfort levels, and developmental needs. She notes how Baby M seeks out her aunt for reassurance, showing a growing bond. Ms. Rivera takes time to build rapport with the aunt. She explains her role clearly and reassures the aunt that her observations of Baby M matter in court. This makes the aunt more comfortable sharing both strengths (Baby M is thriving in her care) and challenges (she is struggling to navigate early intervention services).

Ms. Rivera arranges a meeting with Baby M's mother at a family time visit. She acknowledges the mother's efforts in therapy and validates the importance of her ongoing relationship with Baby M. Ms. Rivera listens to the mother's hopes and fears about reunification and incorporates this context into her advocacy.

At the next hearing, Ms. Rivera states: "Baby M is deeply attached to her aunt, who provides stability. She is also maintaining a meaningful bond with her mother, who is making progress in treatment. To support Baby M's sense of security, I recommend expanding mother's family time with therapeutic support and ensuring continuity of the aunt's caregiving role until reunification can be safely achieved."



» **Support interdisciplinary collaboration** – Promote collaboration among social workers, therapists, educators, medical professionals, and others. Agency attorneys are uniquely positioned to model collaboration and strengthen interdisciplinary practice. By participating in family team meetings, permanency planning conferences, and multidisciplinary reviews, attorneys demonstrate a commitment to collaborative problem-solving.

Agency Attorney Case Illustration

The county child welfare agency files a petition on behalf of a one-year-old child, Maya, who was removed from her parents' care due to concerns of chronic neglect and substance use. The agency's permanency goal is reunification, provided the parents engage in treatment and demonstrate capacity to care for Maya safely.

The agency attorney, Ms. Lopez, represents the agency in all court proceedings. By using a relational representation approach, Ms. Lopez works not only to advocate effectively in court but also to build constructive relationships among all parties to support Maya's best interests. Ms. Lopez meets with the caseworker before court hearings, not just to review evidence, but also to understand the relational dynamics between the parents, foster parents, and Maya. She asks the caseworker: "How are the parents engaging with visits? What progress have you noticed that may not be reflected in the case notes?" This helps Ms. Lopez present the agency's position in a way that acknowledges family strengths as well as safety concerns. Additionally, Ms. Lopez consults with service providers about the parents' progress.

Instead of treating parents' counsel solely as adversaries, Ms. Lopez initiates early conversations about areas of agreement. For example, both sides may agree that Maya benefits from frequent contact with her parents. She suggests a joint stipulation supporting increased family time as long as parents remain engaged in treatment, which reduces unnecessary litigation and demonstrates the agency's commitment to family preservation. By keeping the child's attorney informed, Ms. Lopez fosters transparency and helps avoid mistrust or surprise in the courtroom. She shares updates not only about safety concerns but also about steps the agency is taking to support reunification, such as offering transportation vouchers and parenting coaching.

In hearings, Ms. Lopez frames the agency's recommendations relationally: "Your Honor, while the agency remains concerned about the parents' sustained sobriety, we also recognize their consistent participation in family time and the bond Maya has with them. The agency proposes an incremental plan that both safeguards Maya and supports her parents' progress."

The move to relational representation will require structural support such as manageable caseload standards, adequate funding, and supervision models that prioritize quality over quantity. Professional development in trauma-informed and trauma-responsive lawyering and communication skills will also be important. Child welfare representation is more than managing cases and meeting legal obligations; it is about standing alongside families during some of the most vulnerable moments of their lives. By moving from transactional interactions to relational representation, attorneys can restore dignity, strengthen trust, and empower clients to achieve lasting permanency outcomes. When attorneys commit to building genuine relationships, they do more than manage cases – they help heal families.



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Safe Babies, a program of ZERO TO THREE™, meets the needs of babies and toddlers under court jurisdiction by implementing a team-based approach, rooted in the science of early childhood development. Safe Babies focuses on the urgent developmental needs of young children during all planning and decision-making to strengthen early relationships with parents and caregivers and to create safe, stable, and nurturing environments for babies and toddlers. While the Safe Babies approach is anchored in the court system, it is an entry point for cross-system collaboration and system building to effectively serve very young children and their families across the promotion, prevention, and treatment continuum.

