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THE Children's Representation Program

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Adopting Client Affirming Language & Interrupting Court Rituals that Disparage and Dehumanize Parents, Children, and their Families

The attached conversational guide was made available by the Family Justice Initiative, more on this project <u>here</u>, to stimulate a thoughtful discussion about the language that we sometimes use and how that language can make assumptions about children and parents involved in the child welfare system. Please feel free to share this guide with others and challenge yourselves to think differently about the words that we use. Example solutions can be found <u>here</u>.

Update on MLW 535 P.3d 491 (2023)

The Washington State Supreme Court will hear an appeal in In re the Dependency of M.L.W. and I.A.W. The two issues on appeal are:

- Whether, in this action to terminate a Black mother's parental rights to two of her children, a social worker wrongly failed to make a referral for family therapy, a necessary service, because the social worker's perception of the family was tainted by racial bias.
- Whether, in this action to terminate a mother's parental rights to two daughters, the superior court erroneously denied a motion to intervene brought by the mother's son, where the termination petition had been dismissed as to him, but he asserted that he had a stake in the termination proceedings because his familial relationship with his sisters

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would be jeopardized by the termination of his mother's parental rights as to them.

The latter issue of a child's stake in a sibling termination due to a familial relationship may be of particular interest to you. The hearing date is set for June 13, 2024, 9:00 am and documents filed in the proceeding thus far be found <u>here</u>. On the right side you will need enter the hearing date "06/13/2024" or case number "102486-0."

FAMILIES STRONGER TOGETHER CONFERENCE

September 29, 2024 - October 1, 2024

Please mark your calendars. OCLA, ODP, and Akin will be gathering in Yakima, Washington for the 2nd Families Stronger Together Conference, September 29, 2024 – October 1, 2024. On Sunday September 29, 2024, OCLA will host an evening dinner with our new director and an opportunity to learn and socialize amongst fellow children's attorneys. This will be followed by two days of joint presentations and workshops. We look forward to seeing you there.

Maintaining Sibling Relationships in Systems of Care

Given the strong support in literature for maintaining sibling placement and connections, the ABA has created a toolkit for lawyers addressing the issue of sibling placement and contact, including an extensive review of the literature in this area. This tool can be found <u>here</u> and is a great resource for those litigating sibling issues.

New Toolkit on Education Advocacy for Unaccompanied Immigrant Youth

A new toolkit from California released by the National Center for Youth Law "gives advocates the tools they need to ensure that young people in federal immigration custody, as well as those recently released from federal custody, have meaningful access to the quality education to which they are entitled." Although from California, the toolkit has some amazing resources, including discussions regarding federal law, that serve to reduce barriers to education. It includes:

- An overview of the population of unaccompanied children in federal immigration custody, as well as the different placements in federal custody in which unaccompanied children live.
- Information about unaccompanied children in federal immigration custody in California.
- A summary of the federal and state legal requirements related to unaccompanied children's educational rights.
- An outline of unaccompanied children's challenges accessing education and accompanying opportunities for advocates to address these challenges.

To access the toolkit, please click here.

Free CLE from the WSBA Member Wellness Program

On June 21, 2024, from 11:55 am – 1:00 pm, the WSBA Member Wellness Program is offering a free lunch-hour CLE on the causes of stress and maladaptive coping mechanisms within the industry. The registration link can be found <u>here</u>.

Introduction to Special Immigrant Juvenile Status: Role of State Court

The WSBA Juvenile Law Section recently held the first in a three-part series on Special Immigrant Juvenile Status. A recording of that training can be found <u>here</u>. Please note that there is no CLE credit available for watching this ondemand programing. Additional information on part two and part three of this series will be made available on the Juvenile Law Section's webpage, located <u>here</u>.

Resources



Michigan's Highest Court Hears Challenge to Termination of Parental Rights

In a pair of cases, Michigan parents have challenged the Michigan State termination of parental rights process claiming that it is too extreme and violates the constitutional principle of strict scrutiny. According to the appellant, "[p]roperly applying the constitutional framework would simply require [the department] to provide evidence as to why [termination of parental rights] is necessary to further the State's interests of protecting the child's safety and stability and why alternate remedies could not protect those interests. If [the department] could demonstrate that alternate remedies were inadequate, then a trial court would certainly be empowered to terminate parental rights." See Appellant-Mother's Reply Brief, Pg. 9. Michigan contends that "[t]he position that [appellant] asks this Court to adopt is, in effect, a blanket rule that whenever there is a less restrictive outcome on the parents' rights, short of termination, that must be the outcome pursued, displacing the central question at this stage: what is in the best interests of the child. This position is flawed, however, and would fundamentally change Michigan law." Going further, the State contends that "[p]ut another way, a finding that termination is in the child's best-interest already necessarily means that there are no suitable alternative outcomes available. The Department and the courts reach that conclusion by examining the interests of the child first, not those of the parent." Although this case pertains to Michigan law, the Michigan Supreme Court's analysis may be of interest to Washington State dependency attorneys. Oral argument occurred on May 8, 2024. There is no indication on when an opinion may be rendered. More on this case can be found here and here.

Increasing Reunification Efforts by Eliminating Child Support Referrals, June 11, 2024, 12:00-1:00 PM PST

As part of National Family Unification Month, panelists will discuss new federal guidelines designed to improve unification efforts and prevent unnecessary family separations, current child support practices, and the harmful impact of these practices in delaying reunifying families. Join **Shrounda Selivanoff**, Social Service Manager at the Washington State Office of Public Defense Parent Representation Program, **Jill Duerr Berrick**, Ph.D., Professor of Social Welfare at University of California at Berkeley, and **Jey Rajaraman**, Associate Director, Legal Representation Projects at the American Bar Association Center on Children and the Law, as they discuss how we can concretely challenge harmful practices and implement these shifting guidelines in and out of the courtroom.

<u>Register Here</u>

Adopting Client Affirming Language & Interrupting Court Rituals that

EGINNING THE CONVERSATION

Disparage and Dehumanize Children, Parents and their Families

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BEGINNING THE CONVERSATION

Adopting Client Affirming Language & Interrupting Court Rituals that Disparage and Dehumanize Children, Parents and their Families¹

Preface

What happens more frequently than it should? System actors use demeaning language and make assumptions about children and parents involved in the child welfare system.

<u>Goal</u>

Learn to STAND UP and INTERRUPT!

<u>Why</u>

Adopting client-affirming, person-first language and a lens that does not disparage or dehumanize clients is possible and is productive. This goal includes improving our interactions with clients and developing an awareness of the harm this language causes. Through this exercise, participants will become comfortable and confident in their ability to interrupt such statements; minimizing or disrupting the negative impact disparaging remarks and interactions have on client relationships, client outcomes, our relationships with colleagues and how people view the courts and court systems.

<u>Instructions</u> Identify a Notetaker

- 1. There are six items listed under "Language" and "Court Rituals." You will have 15 minutes to complete this exercise. Make sure you have time to read and discuss the items under both the language and court rituals sections. Use most of your time to Discuss!
- 2. Looking at the tables below starting with first box in Column 1 labeled "Harmful Language" read across the row considering the language in Column along with "Why it is Harmful" in Column 2. Think about and discuss with your group ways you can change the language, i.e., INTERRUPT language that disparages and de-humanizes. What are examples of other terminology that could be used instead? How can the idea or information be conveyed in a respectful manner? <u>The Notetaker will record the group's ideas in Column 3.</u>

¹ Developed by Amy Cortright, Cristina Freitas, Debbie Freitas, and Jey Rajaraman. Adapted from the Juvenile Defender Language Game Worksheet, Racial Justice for Youth: A Toolkit for Defenders. Georgetown Juvenile Justice Clinic & The Gault Center: Defenders of Youth Rights.

3. Repeat the exercise for the "Court Rituals." Consider what these <u>actions communicate to</u> <u>clients</u> and how we as system partners can do things differently. Can you think of other examples of court rituals that are harmful to clients?

	Harmful Language	Why is it Harmful?	How to Interrupt
1	Client labelled based on incarceration status: Inmate Offender Felon Convict Illegal Criminal Defendant Perpetrator	These labels make moral judgments and are demeaning. They dehumanize the person behind the label and allows others to distance themselves and consequently treat them differently than they would like to be treated.	
2	Lives in the <i>"projects"</i> or <i>"section 8"</i> housing	These housing labels make clients feel like less-than, amplify negative attitudes about clients	
3	Language that infuses hopelessness and inability: Unable to provide Unsustainable Unable to support family Unemployable	These labels show no hope for the future, no hope in supporting family to keep entire unit together. This language adds to our clients' feeling there is no way out but to give up.	
4	Language that paints a disability as less than: Disabled Lack the ability to Unable to	These labels and frames amplify what people cannot do, rather than the many things they can do. It also suggests that there is one way to do things, when in fact, there are many different ways to accomplish the same goal.	
5	Client labels based on role: Mother Father Child Half-sibling Birth Parent	Client labels that emphasize a general role rather than a specific family allows court actors to distance themselves from the actual individualized family before them. Saying "half sibling" can be categorized as saying not "real siblings". "Birth mother" diminishes the continuing relationship between the child and their mother.	
6	Client labels based on non- performance: Non-compliant with service plan Missed X visits Refuses to participate	Focuses on individual blame for why things didn't happen as the system expected. Assumes that there is only one way to do things and the system knows best what that is. Also focused on negative, not what the parent is doing right.	

4. Time permitting – use the blank boxes to add additional examples. Language That Disparages and De-Humanizes Clients

	Harmful Language	Why is it Harmful?	How to Interrupt
7	Client behavior labeled negatively: Aggressive Disrespectful Rude Stubborn Talks Back Manipulative At-risk Unwilling	Perceptions of people's behavior are interpreted from the observer's lens, and may not accurately describe what the person is experiencing. Negatively labeling also invalidates the client's experience as a valid feeling.	

Court Rituals that Disparage and De-Humanize Our Clients

	Ritual that is Harmful	Why is it Harmful?	How to Interrupt
1	Court schedule is always rigid, parent/child schedule is always flexible	It's pervasive myth that the court schedule must be rigid while the parent/child schedules are always flexible. This belief takes kids out of school and parents out of work, it destabilizes the family unit so the court can be updated about the family	
2	Court employees and attorneys have a place for their coats and outerwear, clients often do not and have to carry them.	Having to carry around your coat, umbrellas, hats, and other outerwear makes the client feel like a visitor and like court is place they do not belong, even when the matter concerns their own family.	
3	Court actors refer to attorney by their surname but refer to clients by their role: <i>Attorney Ruiz vs.</i> <i>Mother</i>	This type of disparate use of names creates an implicit environment of "othering" reinforcing that our clients are outsiders, not worthy of being called individually by name.	