

# Caregiver Custody Cases

## Case Realities and Cultural Humility



# Materials in Manual

- ◆ **Tab 2**
  - ◆ **Client Realities and Cultural Humility**



# Why are we addressing this?



It is virtually unavoidable to have personal beliefs about parenting and family life affect your work in some way.



The question becomes – How can I ensure that unconscious bias does not improperly impact my work?

# Goals for this session



**Discuss how these issues may arise in the work**



**Provide some context for client realities**



**Explore the role of cultural humility**



**Share best practices as you move forward**

What are  
your  
biases?

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We all have them!



# What are your biases?

- ◆ Take a moment to think about what biases you may bring to a case.
  - ◆ In what type of household were you raised (e.g., two parent, single parent, grandparent-headed, etc.)?
  - ◆ Did your life experiences lead you to conclude that a certain type of family structure is preferable?
  - ◆ Have you or members of your family been involved in custody disputes? Divorce?
  - ◆ If you are a parent, what is your parenting style?
  - ◆ Do you have strong feelings about issues like discipline, parental involvement, education?

# Where can bias come into play?



**Disciplinary choices**



**Financial decisions**



**Living arrangements**



**Involvement in child's education**



**Comfort with mental health or other services**



**Dynamics between adult parties**



**Recreational activities**



**Family structure**



**Family priorities**

The background is a solid blue color. It features several abstract, semi-transparent geometric shapes: a large rectangle in the top center, a trapezoid on the right side, and a diamond-like shape in the bottom left. A thin, light blue line winds across the page, starting from the top left, curving around the top rectangle, then down and right, and finally curving back towards the bottom left. Along this winding path, there are several small, light blue arrows pointing in the direction of the path's flow.

# Client Realities



## What are the family realities?

A critical first step in your representation will be getting to know the parties – without making assumptions or having preconceptions about what you'll find.

Family law issues arise in *all* families from *all* socio-economic backgrounds, and CLC's caregiver clients can represent a range of families. Nevertheless, there are some common issues to keep in mind.

# What is family?

- ◆ Clients should be viewed as part of a larger family system
- ◆ Non-nuclear family structures (i.e., single or unmarried parents, third-parties as caregivers, etc.) are common



# The Caregiver Case in Context

- ◆ Clients are balancing multiple issues
- ◆ The children in their care often have numerous needs that need to be addressed
- ◆ The presence of the issues depicted in the following graphic may impact your representation and client counseling

# The Custody Case in Context

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# The Impact of Poverty

- ◆ Poverty affects many DC families and creates stressors that ripple throughout the community, limit resources, and impact caregiving:
  - ◆ 1 in 5 DC residents (and 1 in 4 children) live at or below poverty line (\$25,750 for a family of 4)
  - ◆ Wards 7 & 8 (where 1/3 of DC's children live) – 40-50%
  - ◆ 15-20% of DC's children under 6 years old are in families that spend more than half of their income on rent

# The Impact of Poverty

- ◆ Pervasive poverty impacts the quality and availability of community resources, increases the risk of trauma, and can create stressors on individual families' day-to-day decisions in areas like transportation and communication.

# Lack of Community Resources

- ◆ Other issues facing children and families can be a stressor and hard to solve:
  - ◆ 64% of young DC children have at least one risk factor for poor health, school, and developmental outcomes
  - ◆ 5,000 DC children have unmet mental health needs
  - ◆ Health conditions like asthma are overrepresented in DC
  - ◆ Public systems that deliver services are difficult to navigate
  - ◆ Housing instability is a problem in DC and not improving

# Lack of Community Resources

- ◆ Practical ways this can impact family functioning:
  - ◆ Accessing services such as therapy/counseling is very difficult, and services are often inadequate
  - ◆ Lack of resources can exacerbate family stress and dysfunction
  - ◆ Children and adults with unmet needs can be challenging



# Obtaining Community Support

- ◆ Caregiver clients often come into a child's life to provide them with a sense of stability and to address some of these issues in their lives.
- ◆ Nevertheless, the public systems that deliver services are often difficult to navigate and often have inadequate services.
- ◆ Don't be surprised if your client expresses frustration about dealing with these various systems – which may even include the court system.

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# Cultural Humility

# What is cultural humility?

## Acknowledging

Acknowledging that cultural differences exist and these dynamics can be at play among the parties and the professionals

## Understanding

Understanding and being aware of your own culture through self-assessment and reflection

## Recognizing

Recognizing that others may have a different family system and culture that need to be valued and respected

# As a lawyer and counselor to your client...

- ◆ Client counseling is particularly important for clients unfamiliar with the court system
  - ◆ take time to explain the process
- ◆ Spend time reviewing your respective roles and responsibilities
  - ◆ your client may have never had a lawyer before

# As a lawyer and counselor to your client...

- ◆ Affirmatively discuss who will interact with parties in the case (including non-lawyers)
  - ◆ clients need to know you are their advocate and they do not have to take on the primary role
- ◆ Discuss what information clients should report to you
  - ◆ *e.g.*, when a service provider comes to their home, when they're asked to sign something, if a meeting is scheduled

# As a lawyer and counselor to your client...

- ◆ Be understanding and empathic if the client comes to you frustrated and confused
  - ◆ it is not you!

# Ensure good communication

- ◆ Be aware that there may be barriers to communication via phone or face-to-face and be as flexible as possible
  - ◆ try to accommodate your client's schedule, meet at a mutually convenient location, etc.
- ◆ Make sure your client knows how to contact you
  - ◆ don't assume they have this information

# Ensure good communication

- ◆ Find out all possible ways to contact your client
  - ◆ sometimes one form of communication may be unavailable
- ◆ Be understanding if your client is temporarily out of touch
  - ◆ this is rarely a reflection of their interest in the case



# As an advocate for your client...

- ◆ Consider whether any of the views either you or others have about a family's situation are based on assumptions grounded in culture or their own personal life experiences.
  - ◆ *e.g.*, two-parent household preferable to single or multiple caregivers, grandparents should be grandparents versus raising young children on their own, an older adult sibling isn't mature enough to assume care of a young sibling, etc.

# As an advocate for your client...

- ◆ Be client-centered and work to infuse your clients' own cultural norms into your advocacy.
  - ◆ *e.g.*, having a multi-generational household is natural to them and culturally appropriate; it is a positive, not a negative and something to emphasize

The background is a solid blue color. It features several abstract geometric shapes in a lighter shade of blue, including a large trapezoid at the top, a diamond shape at the bottom left, and a large trapezoid on the right side. A thin, light blue line with several small arrowheads pointing downwards and to the right, resembling a path or a trail, starts near the top center and moves towards the bottom right.

# Best Practices

# Culturally Humble Representation

- ◆ Approaching other parties with an open mind
- ◆ Not allowing personal family experiences to influence how you counsel your clients and assess their stated goals

# Culturally Humble Representation

- ◆ Recognizing that biases can influence the approach and assessments we make, often unconsciously:
  - ◆ how we judge what or who is credible
  - ◆ what we assume about people's behavior
  - ◆ how we assess what is most appropriate or preferable
- ◆ Engaging in a mode of practice where we check ourselves and others for cultural awareness

# Key strategies for being culturally humble

**BE SELF-AWARE**

● Consider what preconceptions you bring to your advocacy

**LISTEN, WATCH, LEARN**

● Content, not words; verbal and non-verbal; ask why if you don't understand

**AVOID STEREOTYPES**

● Get to know each person as an individual

**RESPECT**

● Recognize that your own values and morals aren't the touchstone – it is the family's that you must understand

**DON'T JUDGE**

● Imagine multiple meanings, not just what fits into your world view; similar circumstances can be interpreted in various ways

**TALK AND REFLECT**

● Think and talk with others about cultural differences; reflect on your advocacy and recognize gaps in your knowledge and understanding of other cultures