

# Custody GAL Cases

## Case Realities and Cultural Humility



# Why are we addressing this?



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



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

# Custody GAL Practice Standards

- ◆ “Prior to appearing as a guardian *ad litem*, the attorney shall receive the necessary training to provide competent representation, which includes familiarity with... [i]nformation on competence with regard to cultural, racial, ethnic, economic, or other differences among the guardian *ad litem*, parties, and the child.”
  - ▶ *Practice Standards for Guardians ad Litem (GAL) in Custody and Related Consolidated Cases, Section I(B)(2)(h) (January 2014)*

# Goals for this session



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



**Provide some context for client realities**



**Explore the role of cultural humility**



**Share best practices as you move forward**



***Reminder: more information regarding Case Realities and Cross-Cultural Lawyering is in Tab 5 of the Custody GAL Manual***

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# Dynamics of the Custody GAL Role

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**



## **What is your role as GAL?**

- ◆ **Ensuring that the court has a full appreciation of the facts of the child's world to make an informed decision**
- ◆ **Getting a sense of the role and abilities of each adult party in the child's life as well as the interplay between them**
- ◆ **Working toward a recommendation as to what type of custodial arrangement is in the child's best interest**
- ◆ **Supporting the parties in resolving disputes about the child's care**

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# Client Realities

## What are the family realities?

You cannot have a sense of the child's best interest until you have a sense of the child's family.

Complex custody issues can arise in all families from all socio-economic backgrounds, and CLC's case referrals represent a range of families – but among the referrals we receive, there are some common issues to consider.

# The Custody Case in Context

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# The Custody Case in Context

- ◆ The presence of a custody case alone creates stressors for the family
- ◆ Consider that the parties are often balancing multiple other issues and stressors
- ◆ These issues may affect your work on the case and the possible custodial arrangements

# 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 (\$26,200 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

- ◆ Practical ways this can impact family:
  - ◆ Resources to fund certain family needs or services
  - ◆ Reliance on community and/or public resources
  - ◆ Instability in housing and other areas
  - ◆ Ability to absorb transportation costs – even phone minutes

# 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

# Access to Quality Education

- ◆ Systemic educational challenges impact many DC families:
  - ◆ DC has wide achievement gaps
  - ◆ 40% of schools have reading proficiency at less than 50%
  - ◆ Four-year graduation rate is just 61%
  - ◆ Families often seek out schools outside of their neighborhood in order to access a better quality education
  - ◆ The special education system fails for many children, whose caregivers struggle to secure the appropriate academic and social-emotional services for them

# Access to Quality Education

- ◆ Practical ways this can impact family functioning:
  - ◆ There are no easy answers here – family members often disagree about how best to meet educational needs
  - ◆ Even if there is agreement, obtaining appropriate supports is often very challenging

# 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



# What is family?

- ◆ Practical ways this can impact family functioning:
  - ◆ There are often third-parties involved in case (relatives and non-relatives)
  - ◆ Even if not formally involved, extended family or friends often play large role in child's life (sometimes residing in the same home)

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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 way to approach your legal work

- ◆ Approaching other parties with an open mind
- ◆ Not allowing personal family experiences to influence how you assess best interest of the child



# As a way to approach your legal work

- ◆ 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

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# Best Practices

# 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 touchtone – 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