Beginning the Conversation:

A Resource Guide for Reframing Court Interactions

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Whether we and other court actors realize it or not, the ways in which the system talks about clients and interpret their behaviors is steeped in assumptions/stereotypes that are vestiges of our country's history of white supremacy. From not meeting the child welfare system's expectations to dissecting observations of our client's demeanor, system actors are continually making judgments of our clients in a way that allows those system actors to treat our clients poorly and differently than how they want their own families to be treated. It's truly tragic how much damage can be done in a three-minute interaction on the record in court.

It's therefore critical that we, as defenders of parents and children, are aware of the ways in which system actors use language and assumptions about behavior to justify separation of families. Even more critically, we must be prepared to interrupt these interactions and force a more dignifying and humanizing lens on these interactions.

This Resource Guide was created to help defenders interrupt racially-biased and non-humanizing court interactions and reframe them to an interaction which preserves and amplifies your client's dignity and humanity. We hope that you will use this guide to think through your daily court interactions and experiences and instead of allowing the system actors to continue using demeaning language and assumptions, STAND UP and INTERRUPT! With continual use by such important and respected members of the court community, it's our hope that other system actors will adopt the same client-affirming, person-first language and lens for interpreting behaviors and interactions.

We titled this section "Beginning the Conversation," because this is just a start. We encourage every practitioner at every level to build on this foundation to improve your interactions with your client and impact the interactions of others with your client as well.

Language That Disparages and De-Humanizes Our Clients

Harmful	Why is it Harmful?	How to Interrupt
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.	Speak Up: Each family member has a name and when we use it, we force the court actors to see this family as a connected group of family members: "Mother" → Ms. Diaz, Juan's mother "Father" → Mr. Smith, Kayla's father "Child" → Eight-year-old Kelvin "Half-sibling" → Seven-year-old sister Nine -year-old brother "Birth mother" → Mother
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.	Speak Up: If your client doesn't agree with a service, explain why. When something doesn't happen, shift from individual blame to a holistic understanding of the systemic barriers that contributed to the result: Mr. Smith attended 4 out of 5 visits brought food, games, and love Mr. Smith has to take 2 buses to come to the isolated industrial park where visitation is offered
Client behavior labeled negatively: Aggressive Disrespectful Rude Stubborn Talks Back Manipulative At-risk	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.	Speak Up: Court is emotional, families are high stakes, so validate your client's feelings and reframe them to be positive: Aggressive → emotionally overwhelmed Disrespectful/Rude → not feeling heard Stubborn → strong-willed & passionate Talks-back → self-advocates

Unwilling		Manipulative → eager for specific outcome At-risk → at opportunity, underserved Unwilling → willing and able (with detailed explanation as to why it may appear client is unwilling)
Client labelled based on substance use: Drug addict/user Drug abuser Alcoholic/drunk Former addict Drug habit	Negative judgment laced into the terminology. This language suggests (moral) choice is involved and therefore gives permission to treat that person poorly	Speak Up: Shame is not an effective treatment for substance use disorders. Reframe emphasizing medical component, not choice/moral issue: Person with substance use disorder Person seeking drug treatment Person with alcohol use disorder Person in recovery Person with substance use disorder
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	Speak Up: Question why using that person's surname would not be sufficient: Inmate/offender → Mr. Smith Felon/convict → person with a felony conviction Illegal → Mr. Smith Undocumented citizen
Lives in the "projects" or "section 8" housing	These housing labels make clients feel like less-than, amplify negative attitudes about clients	Speak Up: Reframe the language as these clients have an entitlement to this type of housing: Government-subsidized housing
Language that infuses hopelessness and inability: Unable to provide Unsustainable Unable to support family Unemployable	These labels show no hope for 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.	Speak Up: With proper supports/tools set in place and an opportunity to be connected to competent community supports, client is capable of becoming sustainable, holding job, supporting family, etc.
Language that paints a disability as less than:	These labels and frames amplify what people cannot do, rather than the many	Speak Up: People with different abilities aren't less than, especially because they don't do something the way a case

Disabled	things they can do. It also	worker/judge/other litigant expects them
Lack the ability to	suggests that there is one	to. Reasonable accommodations should
Unable to	way to do things, when in	always be offered, too. Reframe the
	fact, there are many	narrative:
	different ways to	Differently-abled
	accomplish the same goal.	Neurodivergent
		Entitled to reasonable accommodations

Court Rituals that Disparage and De-Humanize Our Clients

Ritual that is	Why is it Harmful?	How to Interrupt
Harmful		
Court actors refer to attorney by their surname but refer to clients by their role: Attorney Ruiz vs. Mother	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	Speak Up: Everyone has a last name, so equalize the power dynamics by referring to everyone using their surnames: Attorney Ruiz Ms. Brown, Dante's mother
Everyone in court talks about the family except the family	This reinforces the power dynamic between court actors and the parent. It disempowers the parent to have to listen to others talk about their family's private info and not have a say	Speak Up: Prepare with your client in advance a piece of what you would report that the parent can take charge of and hear their voice in the courtroom, talking about their family
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	Speak Up: Your client's schedule matters. Educate the court about what the client misses when they attend court on the court's schedule Is it a school-based/filed case? Have it heard after school or on school vacation weeks Does the client have to work on weekdays? Argue for zoom or for a specific time when client has a lunch break
Court employees and attorneys have a place for their coats and outerwear, clients often do not and have to carry it around the	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.	Speak Up: Advocate for clients to be able to put their outwear where you put yours. Until that change can be made, encourage clients to leave their outerwear at the back of the courtroom when their case is being heard so that everyone who

courthouse and	appears before the court isn't laden
courtroom	with hats, coats, and other
	outerwear.