

Beginning the Conversation:

A Resource Guide for Reframing Court Interactions

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.

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.

<p><i>Unwilling</i></p>		<p><i>Manipulative → eager for specific outcome</i> <i>At-risk → at opportunity, underserved</i> <i>Unwilling → willing and able (with detailed explanation as to why it may appear client is unwilling)</i></p>
<p>Client labelled based on substance use: <i>Drug addict/user</i> <i>Drug abuser</i> <i>Alcoholic/drunk</i> <i>Former addict</i> <i>Drug habit</i></p>	<p>Negative judgment laced into the terminology. This language suggests (moral) choice is involved and therefore gives permission to treat that person poorly</p>	<p>Speak Up: Shame is not an effective treatment for substance use disorders. Reframe emphasizing medical component, not choice/moral issue: <i>Person with substance use disorder</i> <i>Person seeking drug treatment</i> <i>Person with alcohol use disorder</i> <i>Person in recovery</i> <i>Person with substance use disorder</i></p>
<p>Client labelled based on incarceration status: <i>Inmate</i> <i>Offender</i> <i>Felon</i> <i>Convict</i> <i>Illegal</i> <i>Criminal</i> <i>Defendant</i> <i>Perpetrator</i></p>	<p>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</p>	<p>Speak Up: Question why using that person’s surname would not be sufficient: <i>Inmate/offender → Mr. Smith</i> <i>Felon/convict → person with a felony conviction</i> <i>Illegal → Mr. Smith</i> <i>Undocumented citizen</i></p>
<p>Lives in the “<i>projects</i>” or “<i>section 8</i>” housing</p>	<p>These housing labels make clients feel like less-than, amplify negative attitudes about clients</p>	<p>Speak Up: Reframe the language as these clients have an entitlement to this type of housing: <i>Government-subsidized housing</i></p>
<p>Language that infuses hopelessness and inability: <i>Unable to provide...</i> <i>Unsustainable...</i> <i>Unable to support family...</i> <i>Unemployable</i></p>	<p>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.</p>	<p>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.</p>
<p>Language that paints a disability as less than:</p>	<p>These labels and frames amplify what people cannot do, rather than the many</p>	<p>Speak Up: People with different abilities aren’t less than, especially because they don’t do something the way a case</p>

<p><i>Disabled</i> <i>Lack the ability to...</i> <i>Unable to...</i></p>	<p>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.</p>	<p>worker/judge/other litigant expects them to. Reasonable accommodations should always be offered, too. Reframe the narrative: <i>Differently-abled</i> <i>Neurodivergent</i> <i>Entitled to reasonable accommodations</i></p>
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Court Rituals that Disparage and De-Humanize Our Clients

Ritual that is Harmful	Why is it Harmful?	How to Interrupt
<p>Court actors refer to attorney by their surname but refer to clients by their role: <i>Attorney Ruiz vs. Mother</i></p>	<p>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</p>	<p>Speak Up: Everyone has a last name, so equalize the power dynamics by referring to everyone using their surnames: <i>Attorney Ruiz</i> <i>Ms. Brown, Dante’s mother</i></p>
<p>Everyone in court talks about the family except the family</p>	<p>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</p>	<p>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</p>
<p>Court schedule is always rigid, parent/child schedule is always flexible</p>	<p>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</p>	<p>Speak Up: Your client’s schedule matters. Educate the court about what the client misses when they attend court on the court’s schedule</p> <p>Is it a school-based/filed case? Have it heard after school or on school vacation weeks</p> <p>Does the client have to work on weekdays? Argue for zoom or for a specific time when client has a lunch break</p>
<p>Court employees and attorneys have a place for their coats and outerwear, clients often do not and have to carry it around the</p>	<p>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.</p>	<p>Speak Up: Advocate for clients to be able to put their outerwear 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</p>

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