


Raising Awareness of Bias and Racism: Questions for Attorneys

These questions are meant to encourage all attorneys, whether representing children, parents, or both, to be more conscious of biases and the impact of race, ethnicity, culture, language, disability, sexual orientation, gender identity, and religion on our clients. They encourage self-reflection and more meaningful communication with our clients. Attorneys can use these questions to improve their relationships with clients. They also can be used by organizations when training attorneys or by supervisors to provide guidance and evaluate their supervisees' performance; in this case, the questions would need to be reframed from first person (I/my) to second person (you/your). However the questions are used, their purpose is to help attorneys check their biases and better understand clients, their perspectives and world views, in turn becoming more effective and empathic advocates.

General Questions



For attorneys representing child and parent clients

- Do I ask my clients how they identify in terms of race and/or ethnicity? How do I frame that question?
- Do I advocate for my clients when they are experiencing racism? In what ways?
- How do I acknowledge intersectionality of my clients? How do I acknowledge the many identities that my client holds?
- When my client describes their identity, does that differ from assumptions others may make about them? Does their own description differ from my first impression of them? If so, how and do I have thoughts as to why? Is this something I feel comfortable discussing with my client or need to practice to feel more comfortable?
- Do I ask my client about specific needs they may have related to race, ethnicity, culture, language, disability, sexual orientation, gender identity, and/or religion? For example, what holidays, traditions, events, foods, or even hair and skin care products are especially important to them? If I am not familiar with the specific needs a client may have, do I know how to familiarize myself with these needs in a manner that does not burden my client?
- Do I know how to ask questions to look at the different angles of addressing needs (i.e., education, mental health, extracurricular activities, social health)? Do I make sure my client has services tailored to their needs around their identity?
- Do I know how to talk to my clients about building a support system that supports their identity status? How would I initiate or direct a conversation like that?

- Do I ask my clients if the services they are receiving truly meet their needs?
- How often do I contact my clients? Is it when court is approaching, or do I have more frequent conversations between hearings?
- How do I communicate with my clients in a way that keeps communication ongoing? Do I text or call them to check in?
- Do my clients attend court with me, and do I acknowledge them throughout the court proceedings?
- Do I ever hesitate to give my clients the full opportunity to speak up in court because they do not appear as polished or prepared as I would like?
- When a client has a “bad attitude” or doesn’t appear to talk a lot (e.g., is quiet, timid, or shy), to what do I attribute the “bad attitude” – culture, race, age, gender, language barriers, an external situation potentially unrelated to their court visit, trauma they have experienced/are experiencing, fear, something else? Do I discuss my observation with the client – ask them how they feel today or about being in court?
- Am I aware of behavioral descriptors when referring to my client? How do I ensure I am talking to and about my client in a positive and strengths-based manner?
- Do I have biases of certain identities that may judge how my client represents? (i.e., tattoos, body modifications, skin color)
- How do I check my own biases when I am at risk of judging my client or their children/parents?
- Does my office provide colleagues, training and/or a safe space to discuss issues of systemic racism, difficulties communicating with clients, and other sensitive topics? If not, are there things I can do to create such a supportive community?
- Who do I go to for case consultation within my professional circle? Do I have someone to go to with thoughts around mitigating bias for my client?
- Does my office provide additional, targeted resources for attorneys who share the same marginalized identities with their clients who may experience intensified forms of various trauma?”
- Do I understand how to approach my representation of clients with an antiracist and culturally humble lens?
- Do I understand what the levels of racism are including interpersonal, individual, institutional, and systemic? Do I understand what implicit and explicit bias mean? Based on my understanding, am I aware how my clients may be impacted by these?



For attorneys representing child clients

- Do I talk with my clients about their feelings and opinions about their experience in care, including treatment of race in their placements, where they have been placed geographically, and the services they are receiving?
- Do I ask my clients how they feel about where they are living and how they feel in a home with a different ethnicity, religion, or cultural background from their own? Do I actively work with my clients to identify and advocate for kin placements (including fictive kin) as well as family-finding efforts?
- Do I take the time to understand preferences and things that would make a placement off the table for consideration (i.e., forced attendance within church)?
- For clients in transracial parenting arrangements, how do I ensure racial and cultural identity is brought up in a way that acknowledges differences and needs?
- Do I think my client is subject to “adultification” (being viewed as older than they are) based on race? Why? Have I done anything to alter this perception?
- Do I remind my client of their rights (i.e., foster youth bill of rights or other jurisdictional-specific rights)?



For attorneys representing parents

- Do I talk with my clients about their feelings and opinions about their experiences as a parent involved with the child welfare system, including treatment based on race, culture, or income status by the agency, court, or in services they are receiving?
- Do I ask my clients if they were involved in the child welfare system as a children?
- How do I advocate for my clients and their children’s right to practice, learn about, and maintain their cultural identity?



The FJI unites professionals from around the country to ensure every child and every parent has high-quality legal representation when child welfare courts make life-changing decisions about their families. Through the FJI's work, child welfare lawyers, researchers, judges, social workers, policymakers, families impacted by abuse and neglect, and others are reenvisioning how to best protect children, strengthen families and support communities.