

Representing Youth

Representing Youth

Telling Stories, Imagining Change

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CAROLINA ACADEMIC PRESS

Durham, North Carolina

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Library of Congress Cataloging-in-Publication Data

Names: Kelly, Lisa, author. | Ambrose, Kimberly D., author.
Title: Representing youth : telling stories, imagining change / Lisa Kelly
and Kimberly Ambrose.
Description: Durham, North Carolina : Carolina Academic Press, 2017. |
Includes bibliographical references and index.
Identifiers: LCCN 2017022433 | ISBN 9781611630077 (alk. paper)
Subjects: LCSH: Juvenile delinquents--United States--Case studies. | Problem
youth--United States--Case studies. | Youth--Legal status, laws,
etc.--United States. | Juvenile justice, Administration of--United
States--Case studies. | Child welfare--United States--Case studies.
Classification: LCC HV9104 .K425 2017 | DDC 364.360973--dc23
LC record available at <https://lcn.loc.gov/2017022433>

eISBN 978-1-53100-564-1

Cover photograph: *So Many Journeys II #9* by Linda Sandow
www.lindasandow.com

Carolina Academic Press, LLC
700 Kent Street
Durham, North Carolina 27701
Telephone (919) 489-7486
Fax (919) 493-5668
www.cap-press.com

Printed in the United States of America

*This book is dedicated to the young people
whose stories continue to challenge and inspire us.*

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How to Use this Book

This book invites you to explore the child welfare and delinquency systems through the eyes of Michael and Maya, their families and the professionals with whom they interact. All of these characters are fictional and represent the drawing together of over fifty years of combined practice experience. You will be asked to reflect upon and respond to the representation of their experiences.

Please don't skip the Preface. It is a critical introduction to the intentions and challenges of writing a narrative text that seeks to simultaneously provide instruction and deconstruction.

The first chapter provides you with the general legal and social science context in which the stories are situated. Federal law dictates the basic structure of state child welfare systems; however, states may differ in the vocabulary and ways in which they implement federal mandates. The jurisdiction in which the stories take place is loosely based on Washington State, but efforts are made throughout to provide you with other approaches. For more nuanced and specific understandings of the law and social science, you should delve into the footnotes that support the narrative. Break-out boxes are intended to address skills and ethics issues relevant to the practice, as well as to assist you in applying the material to your local system. At the conclusion of each chapter, we ask you to take a critical look at the systems and how Michael and Maya's stories may impact what you will do to change them.

Writing this book was intended to be a rebellious act, and we hope that it will inspire more rebellious acts. This is not your usual casebook. This is not your "how-to practice" manual. Instead, this book provides a context to examine the systems that are at play, what it means to be a lawyer in these systems, and how these systems do or do not work for the people they claim to benefit. These footnoted stories, the questions posed, and the exercises provided are intended to prod you to learn more about how your state's systems function, how you can maneuver through them, and what you must do to change them.

Preface

Represent: to act or speak officially for someone or something; to bring clearly before the mind; to serve as a sign or symbol of; to portray or exhibit in art, as in “to depict”; to produce on the stage or to act the part or role of; to take the place of in some respect, usually by legal right; to give one’s impression and judgment of or state in a manner intended to affect action or judgment; to serve as a specimen, example, or instance of; to form an image or representation of in the mind; to correspond to in essence.

Merriam-Webster

Lawyers are storytellers. We tell the bits and pieces of our clients’ lives in pleadings, in negotiations, to other professionals and to the court. In the context of lawyering for youth, we are constantly presenting and re-presenting our clients to the various state-created systems with which they must interact—the child welfare system, the juvenile delinquency system, the educational system, the mental health system, and a myriad of other social service agencies. We re-tell their stories to a variety of participants—other lawyers and judges, professionals in other disciplines, their families and caregivers, and yes, even to themselves. They hear their own stories retold by us in our interviewing and counseling sessions, in the declarations we craft for them, in the reports we gather and generate, and in the arguments we make in hallways and courtrooms.

Using the classic dictionary definition, we “represent” our clients in virtually every sense of the word. We “speak officially” for them. We hopefully “bring their stories clearly before the minds” of our multiple audiences. We “depict” them in stories that are carefully crafted and produced on the legal stage. We “take the place of” their voices and seek to “affect action” in service of their goals. Often, our clients “serve as an example,” as placeholders, for all other youth in their positions. How we depict our clients not only matters to their cases but also to other cases involving youth in foster care or youth in the juvenile delinquency system. The stories we tell “form an image” that builds upon itself as we educate our audiences who often are repeat decision-makers for other youth in similar circumstances.

But in so doing, can it be said that we “capture the essence” of our client’s stories? Can we ever authentically represent our clients’ lives? Here is where the fault lines in the writing of this book emerge, just as they do in practice. Given that we are limited by our own understandings of how our clients’ worlds actually work, what they experience, and how they are impacted by the ways in which the world sees or refuses to see them, our ability to “represent” is undeniably curtailed.

And yet, we are appointed to engage in this representation and to seek the best solutions that our flawed and oppressive systems have to offer.

This is a book that is honest about what we presume to do every day—tell the stories of youth and their families. And like that representation, the writing of this book is indeed a presumptuous act. Presumptuous because we, as authors, dared to tell these stories not just from the perspectives of the lawyers, but also from the points of view of the youth, their families, and the other professionals who hold power over their circumstances. We chose to do this because we believe that the stories of the youth and their families ought to be at the center of this practice and at the center of any narrative for why the systems need to change.

Too often, legal systems are seen only through the eyes of the professionals who have the privilege to describe them. The professionals get to ascribe institutional intent and meaning. We get to say how and why they work the way they do. We even get to define and tally “outcomes” and call out “best practices.” And yet, we are the ones whose lives are the least impacted by the consequences of the institutions within which we work. We firmly believe that this is why well-intentioned attempts to “reform the system” so often fail. It is because they continue to operate in the dark and they begin with the system as it is. Our clients, their families, and their communities are the experts on their own lives and yet when it comes to “systems change” the actual “stakeholders” at the table are the professionals who are blind to the ways in which the system is lived. The young people who have experienced foster care and who helped us by reading this book have a saying: “Nothing about us without us.” It is this motto that we sought to uphold as best we could, given our own vista from our limited perch.

Meanwhile, we know that tomorrow the child welfare system will likely still be here. The juvenile delinquency system will likely still be here. How do we prepare you to do your best work within it and how do we inspire you to be subversive when you can be? These were the two tensions that we constantly fought in the writing of this book. Because, quite honestly, as we imagined living through this system we wanted at times to say, “Stop! Lay down your legal weapons! Boycott it! Starve it! Make them take the money they spend on all of us and give it to the people who need it instead.” Ultimately, we believe in the power of story to change perspectives. Shifting the way a culture sees what its institutions are up to is the first step towards major change in what those institutions do.

Even though we, the authors, have represented numerous youth in these circumstances and have been privileged to hear many of their stories, we know that we have only caught brief glimpses of our clients’ complex lives and what we have seen has been reshaped by the filters of our own backgrounds and experiences. Lisa Kelly is a white, cisgender¹ female, queer adult who grew up in a working class, Hungarian immigrant, Catholic family in Pittsburgh, Pennsylvania. Before entering teaching Lisa

1. “Cisgender”: Denoting or relating to a person whose self-identity conforms with the gender identity that corresponds to the biological sex; not transgender. *Oxford Dictionary*, [<https://perma.cc/CW66-27VY>].

practiced civil rights law in Pine Bluff, Arkansas, for ten years where she learned a lot, but never enough, from the black community there. She began her clinical practice in West Virginia where she ran a clinic focused on domestic violence, family law and social security disability. She is now the director of a clinic in Washington state that represents children and youth who are in the child welfare system or are experiencing homelessness.

Kimberly Ambrose is the daughter of Judy Yoshida, a Japanese American woman who spent her early teenage years in a concentration camp in Poston, Arizona, and later raised three children, mostly as a single mother in Tacoma, Washington. Before entering teaching, Kim was a public defender representing children, parents, and others—people accused of committing crimes and people accused of being unfit parents or being the children of unfit parents. She now directs the Tools for Social Change: Race and Justice Clinic, a multi-forum advocacy clinic created to focus on the over-representation of youth of color in the juvenile and adult criminal justice system.

We both have our family secrets and experiences that inform for us what it means to be a daughter, a sister, an aunt, a mother, a grandmother. Our identities have enabled us to experience both oppression and privilege. However, we are now members of an academy from which people of color are largely excluded both as students and teachers. Neither of us has ever experienced what it means to be a teen-aged African American boy, or an African American mother with a drug problem or a father who is incarcerated, or a homeless pregnant white girl surviving a complex trauma history. We like to think we have listened well; we like to think that we have sometimes fully heard what was being communicated. But at the end of the day, we know that empathy has its limits and that “knowing” has its bounds.

The writing of this book has been humbling. It has made us keenly aware of everything we don’t know even after all of these years.

It is for this reason that we have sought readers and reviewers who have experienced similar lives and who are in a better position to judge whether we have created good examples. We thank those early readers with relevant life experiences who have helped to provide insight into whether these stories are “representative.” In particular, we want to thank Violet C. Banks, Deonate Cruz, Mandy Urwiler and Trai Williams, Network Representatives of the Mockingbird Society.² Their comments, critiques and rousing discussion helped to make this book more honest and alive.

Even with this feedback, we remain open to further critique and we anticipate that there will be more from you, the readers. We know this because our early readers had a variety of responses which required us to decide whether and how to edit.

2. Learn about the great work of [The Mockingbird Society](https://perma.cc/H7XS-JRNU), [<https://perma.cc/H7XS-JRNU>].

We wrote this book mindful of what Nigerian author Chimamanda Ngozi Adichie has called “the danger of a single story.”³ Most of us carry with us a socially constructed story of identity. Our “single story” may be read from multiple identities. A young black male’s single story, for example, is different from a young black female’s single story, or an older black male’s single story, or an older white female’s single story. Our single story is attached to our age, our race, our class, our gender identity, our language, and our cultural expressions which all operate together to telegraph how we will be read by those around us. The more “other” we are in the society in which we operate, the more crystallized and singular our story becomes. This is so despite the reality of our hidden, less obvious, identities. These more surprising and subversive identities, once surfaced, help to disrupt the singularity of the story that society wishes to place upon us.

We take the danger of the single story to heart and realize that offering any one story—whether of a young systems-involved person, his or her family members, his case worker, lawyer or judge—as “representative” carries with it the danger of the single story. We hope that by getting to know our characters you see the disruptive aspects of their identities. We want you to see that, yes, they suffer from common external perceptions that seek to define them, but nonetheless they are more than how the dominant culture sees them; each one embodies something unique and unexpected. We hope that discovering these aspects of our characters will make you look for that disruptive power in your clients and the members of their families.

This narrative approach is intended to lead you to ask yourself about the relevance of your own lived experience to your legal practice. Lawyers are just as much shaped by our lived experience as our clients are. The differences and similarities we share with our clients can both get in the way and be fruitful ground for growing competencies, compassion and understanding. Learning how to detect whether our own stories are becoming barriers or whether they are helping us do our work better is perhaps one of the most critical and yet overlooked lawyering skills, especially in a field which is all about what it means to be human and connected to others. A failure to reflect upon what brings you to this work can unwittingly grease the wheels of an already oppressive system. Mindfulness of your own perspective and how it is shaping your reactions to your clients and their families is critical if you are going to be able to hear what your client is telling you. And humility is a must if you are going to remain open to changing both yourself and the systems in which you work.

So what’s your story?

3. Watch her wonderful TED talk, Chimamanda Ngozi Adichie: *The Danger of a Single Story*, TED.com, [<https://perma.cc/5KPZ-RGXB>].

Acknowledgments

Without the financial support of The Bobbe and Jon Bridge Professorship of Child Advocacy and the University of Washington School of Law, we would not have been able to employ the village of research assistants who have contributed to this book. Those research assistants included Bonnie Aslagson, Katherine Brennan, Mark Giuliano, Anna Rae Goethe, Mariah Hanley, Nikkita Oliver, Danielle Ollero, Derek Peterson, Brandon Reeves, Suzy Ruiz, Alex Witenberg, and Kathryn Witmer. All, including the authors, were ably assisted by the expert librarians of the University of Washington's Gallagher Law Library, who provided us with the dedicated support of Maya Swanes in the final weeks of this project. Cynthia Fester, editor-research publications, provided indispensable professional staff assistance.

We also relied heavily on the feedback of others. Our partners at the Mockingbird Society provided us with an engaged focus group of former and current foster youth readers—Violet C. Banks, Deonate Cruz, Mandy Urwiler and Trai Williams—all of whom challenged us to keep their lived experience at the heart of what we do. We also want to thank the readers from practice who provided insight: Hillary Behrman, Jana Heyd and Alicia LeVezu. Finally, the students of Lisa Kelly's Child Advocacy Seminar were the earliest adopters of this book, and we appreciate their candid evaluations from the student perspective.

