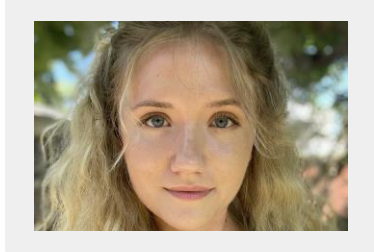




Summer 2021 EJA Fellow:



Name: Arianna Nord

Law School: University of Washington

Organization: East Bay Family Defenders

Update 1: This summer I'm excited to be an Equal Justice America Fellow as a legal intern for East Bay Family Defenders. As an Equal Justice America Fellow I'm able to work in a public interest organization for the summer and gain valuable skills and experience in public interest law.

Last week I started as an intern for East Bay Family Defenders, an organization located in San Leandro, California, that provides holistic legal representation and social services to parents whose children are at risk of removal by the state. One longstanding piece of racial capitalism in the United States has been the removal of children from BIPOC communities and subsequent placement with white foster parents or adoptive parents through the child welfare system. This system shifts the blame for children's safety and wellbeing from poverty and racial oppression to individual parents' decisions. Removing children from their parents does devastating damage to the child, the parents, the family, and the community. For further reading on family regulation and abolition, please see this article by Dorothy Roberts: https://lnkd.in/gi8j_-9.

East Bay Family Defenders seeks to interrupt the cycle of family regulation and child removal by providing legal representation and social support services to parents throughout dependency proceedings. As a legal intern, I have an incredible opportunity to learn from seasoned attorneys how to provide client-directed legal services to parents in the broader context of reducing, and ultimately eliminating, state-sponsored family separation.

Update 2: During the past few weeks at East Bay Family Defenders, I've witnessed how punitive the family regulation system is towards parents. The stated goal of juvenile dependency proceedings is reunification of the family so long as that is within the best interests of the child. The goal is not to punish parents for substance use disorder, poverty, or mental health crises. To see juvenile dependency court, however, you would never know it.

Instead, what you find in nearly every case is the court removing children or extending the length of removal as a means of punishing the parent for any number of "offenses." Often, those offenses are related to substance use, "unsafe" housing, unsupervised children, or intimate partner violence. Rather than addressing the root cause of those concerns – such as poverty, trauma, mental health complications, and physical health complications – the family regulation system blames the parent for "bad" choices and removes their children as punishment.

It is no coincidence that the parents accused of these bad choices are overwhelmingly BIPOC parents. In California, half of African American children and half of Native American children are investigated by Child



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Protective Services at some point in their childhood. (See: <https://lnkd.in/gUJb8H5>). In comparison, a quarter of white children are investigated by CPS in California during their childhood. The current family regulation system grows out of a history of separating enslaved African American children from their families for labor and profit (See: https://lnkd.in/gdkY_zi); removing Native American children from their families to assimilate in boarding schools or adoptive families (See: <https://lnkd.in/gG-A5P>); and forcing Japanese American children to leave their communities during World War II (See: <https://lnkd.in/gFKG8fs>): .

It is also no coincidence that the parents involved in the system are overwhelmingly parents in poverty. Most cases in the family regulation system are “neglect” cases rather than abuse cases. (See: <https://lnkd.in/g2WHGsq>). Neglect is an amorphous term that can mean many things – not buying medication for lice, having a dirty home, leaving children unsupervised, etc. Too often, neglect is equated with poverty. The removal of children is far from a necessary or effective measure. The current system of intervening after an incident and removing children from their families as punishment does not promote the best interests of the child. And it was not designed to.

Update 3: During the past couple of weeks I have had the opportunity to work on a research and writing project at East Bay Family Defenders regarding what is known as the “confession dilemma.” In California juvenile dependency law, the confession dilemma arises when the social services agency brings allegations of child abuse against a parent, and the parent must admit to the allegations in order to be in compliance with their court-ordered case plan. Parents can therefore be forced into the position of either admitting to false abuse allegations or losing visitation with, or even parental rights over, their children. Undoubtedly, the stakes for children are high in these cases. We do not want children to suffer abuse from their parents, and accountability from abusers can be critical to the healing process for families. But the stakes are also high for parents: even setting aside the massive social stigma that child abuse carries, parents facing false allegations of child abuse will as a result suffer financial and educational opportunity loss for the rest of their lives. And in a family regulation system that was born out of separating poor, BIPOC children from their parents as a means of class and race oppression, the disproportionately devastating outcomes of these processes on BIPOC and poor parents, and their communities, cannot be ignored. Watching the tireless advocacy that the East Bay Family Defenders attorneys and out-of-court staff provide to parents in these circumstances is beyond inspiring. At a time when people are demonized most, the EBFDF folks always show up to humanize and advocate.

Entry 4: As I reflect on my time with East Bay Family Defenders this summer, I'm overwhelmed with gratitude for the opportunity to work with such a dedicated, intelligent, and compassionate legal team. Despite the many challenges that EBFDF attorneys face, their resolve to provide high quality legal support to their clients always remains undiminished. Every day they find ways to pursue the wants and needs of their clients in court. I've never been a part of a team that provided so much care and thought to people who receive some of the worst stigma in our society. Between EBFDF's clients and attorneys I've witnessed a truly remarkable amount of perseverance this summer. Leaving EBFDF at the end of this summer, I'll be taking away a heightened awareness of the injustices being inflicted by the family regulation system every day, a large bank of new legal knowledge, greater research and writing skills, and fantastic professional mentors. I'll be wishing the EBFDF team the absolute best in all of their future work!

If you would like to donate to support EJA Fellows in their summer work, please visit their website.